

EVASION OF REGULATION OF RATES

(Continued from Page One.)

Section 8, of Article 1, of the federal constitution provides that congress shall have power to regulate commerce with foreign nations and among the several states and with the Indian tribes. The judicial interpretation of this section removes the regulation of interstate railroad fares and rates from state jurisdiction and places it under federal control in all cases where those outside the jurisdiction of a state would be directly affected by state regulation.

Interstate traffic originates within a state and passes out of it, originates outside and comes into it, or passes entirely through it. A state, therefore, having a market within itself, or having convenient ports open to the high seas is largely free from federal limitations.

Oregon enjoys a powerful strategic position in this respect. The great wheat fields and ranges of eastern and central Oregon can pour their products down a water grade into Portland and from there to any port in the world. The products of western Oregon enjoy an equal advantage.

Can Regulate Her Rates.

Owing to her topography and position upon the coast, Oregon is largely free to regulate rates as she chooses.

Her wheat and hops, two great crops, find a foreign market through Portland, as do much of her lumber and livestock. Her minor productions are chiefly consumed within the state, hence the bulk of her traffic is clearly a subject of state regulation.

What has been said of Oregon is largely true of Washington. She can make rates to the sound, and those rates will compel like rates by such of her roads as connect with Portland. Nor does our advantage of the situation end with our power to control domestic rates. Other conditions of world wide influence, over which railroad domination does not extend, conspire to aid us.

Water competition forces down transcontinental rates. All interior distributing points are familiar with this condition, having heard it reiterated again and again, by railroad officials, who assign it as a reason for charging Pendleton, Walla Walla, Baker City, Boise, Lewiston, or Spokane the coast rate plus the local return rate.

The markets of Oregon and Washington being local, the traffic is relieved of federal interference, while water competition protects it against retaliation.

State Regulation of Rates.

State regulation of rates is theoretically feasible in all states having a position such as Oregon occupies.

Assertion of their power by the people will certainly break down extortion of railway rates in Oregon and Washington.

Oregon, having direct legislation, can initiate any rate bill within the power of her citizens to conceive, subject to no limitations, except those already suggested, and a reasonable return upon railroad investments.

Favors extended legislators and prominent citizens can not prevail against a popular measure in Oregon where it is submitted to the whole electorate. Washington and every other state in the union should speedily adopt the initiative and referendum as a means of self-protection. The states, having adopted direct legislation, will still find an obstacle in their way. No method of direct execution of law has yet been invented. To the president, and to the governors of the several states, this function is broadly committed. And hence stringent rate legislation by the states or nation makes the executive officer a high stake in the finance of public service corporations. Statutory law and its penalties, without enforcement, are but little better than no law. Public discrimination is the only available method of securing popular control of the executive function.

Use of Executive Power.

The importance of the executive power can not be overestimated. This is especially true of the president. Congress may legislate now. The people themselves may hereafter legislate directly by means of national initiative, and yet their decree can find expression only through the presidential office.

A rate regulation bill, providing severe penalties for its violation, was passed many years ago. But the very abuses which it forbade flourished for want of prosecution.

The people may legislate and the courts may dispense even handed justice to great and small alike; but the president appoints the attorney general and can nullify the law through him by refusing to prosecute.

Something more than direct legislation and judicial honor is needed. And this is a discriminating non-partisan public opinion. There is a man somewhere in each state filling some minor office in such a way as to prove his courage and fidelity to the people.

Such a public opinion as I have described will advance him to the executive office and thereby control it with all of its appointments, policies, and functions, as the people have done in Wisconsin.

Prospect of Speedy Relief.

All things considered, we have a promising prospect for some measure of relief from rate extortion in Oregon and Washington. Among the strong factors now at work to that end are:

- Oregon has direct legislation.
- Washington has appointed a regulative commission.
- Washington has prohibited free passes.
- Both states enjoy a public opinion of superior discrimination.
- Both states occupy a position of great natural strength.
- But the prospect for the interior states of the Pacific northwest is not so rosy.

BIG REALTY DEALS

(Continued from Page One.)

before that time. With this in view the company hopes to be able to start actual building operations within a month.

Will Complete the Block.

An eight-story structure on that site will complete the entire block and make it one of the best in the city. The chamber of commerce at present occupies one half of the block and the Sherlock building the quarter at Third and Oak. In addition to this the half block on Stark street between Third and Fourth is to be improved in the spring and with the Couch building on Fourth street near Washington and a new building by Rothschild Bros. at Fourth

and Washington streets, that district will be well filled with modern structures.

The other new building in the downtown district is to be erected by the Corbett estate on the northwest corner of Fifth and Ankeny streets, which is now filled with a number of frame structures. This new building will be at least seven stories high, but just what character of construction it will be is not announced. The tenants in the present building on the site have already been notified to vacate the premises preparatory to active building operations. The new building, it is understood, will be occupied entirely by the Neuslander Bros., who at present are located in a fine structure at Fifth and Stark streets. They will relinquish that building, and will be succeeded there by J. G. Mack, the carpet man. The details for the new seven-story structure are not announced, but it is understood

Toric Lenses AND So Easy Mounting

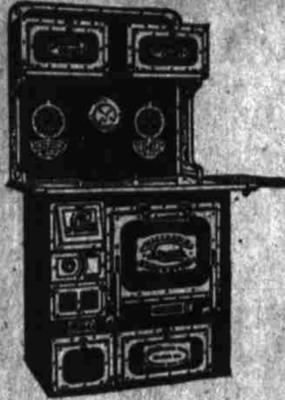
This is eye glass perfection in the highest sense.

SCIENTIFIC AND MODERN

A. & C. Feldonheimer

DIAMOND LEADERS OF THE NORTHWEST
Manufacturing Jewelers Cor. Third and Washington Sts.

You Are Welcome to Credit



The Monarch Range

A Range That Will Bake Evenly and Thoroughly. You know from sad experience that you can't do good baking if one part of your oven is hotter than another. And in most cast steel ranges, this even is not heated uniformly. The cast steel frames must be bolted, because they are too brittle to stand riveting. Then the seams are filled with stove putty. A few heatings and coolings and the cast steel expands and contracts, the bolts loosen and the putty falls out, leaving an open crack to suck in outside air and cause the fire to burn unevenly. The Monarch oven bakes evenly at all times. The sides and the oven are riveted to malleable steel frames extending all through the range, making light, solid joints with no chance of air-leaks. Then the duplex draft lets air in at both ends of the firebox, causing a uniform heat production, which means an evenly heated oven that will bake thoroughly and satisfactorily through and through. There is no stove putty used in a Monarch Range.

A \$100 COOK BOOK FREE
This is a real book, not a cheap advertising circular. It is handsomely printed on good paper—bound in cloth with board covers, 144 pages. You could buy it at a book store it would cost you at least \$1.00. It contains 100 recipes, many of them new, all simple, easy to make and inexpensive. Has practical menus for the whole year and many valuable hints on diet and marketing. You can get it without cost if you intend buying a range or cook stove within a year. HOW TO GET IT. Cut out this advertisement, send it to the Malleable Iron Range Company, Beaver Dam, Wis., and tell them when (within month if possible) you expect to buy and we will secure this valuable book free. As the edition is limited write now.



The Set 50c

Six Steel Knives and Six Steel Forks. Regular \$1.50 value. Special 50c.

A THOUSAND STOVES

A thousand stoves piled up in our basement—a thousand stoves to find homes for—and the prices we have put on them are sure to make them welcome. A line of stoves, if placed side by side, nearly a mile long. Heaters and cook stoves, malleable steel ranges and cast iron ranges, all kinds all prices, from a little air-tight heater at \$1.00, up to that kind of all ranges, the Monarch.

You are cordially invited to visit our store and see the handsomest line of stoves in the city; 74 different patterns in our sample line await your inspection.

\$1.00 a Week Buys a Monarch Range



Mirrors

12x10 in. \$3.50
12x18 in. \$4.00
18x24 in. French Plate \$4.50
18x24 in. French Plate, Gold frame \$5.00
The one pictured above on golden or weathered oak, with gold decorating on frame. Heavy French plate 18x24 inches. Special this week \$3.25



Handsome Bureau \$15.00

A strong, well-made Bureau, nicely finished in mahogany or white maple. Fitted with a genuine French plate oval mirror 20x24 inches, divided serpentine front top drawer, solid brass trimmings. A dresser that would look well in any bedroom and is worth just a little more than the price we ask.



Airtight Heater \$1.69

A good little heater, made from rolled steel, has top draft and an extra lining of sheet steel to protect outside body. This heater sells regularly for \$2.00, and the only reason for cutting the price is to induce you to visit our stove department and see our beautiful line of heaters.



Sunlight Airtight Heater \$9.00

Owing to the unprecedented demand for this heater, the \$8 pattern is all sold out, and we are offering in its place the regular \$10 size. It has a heavy cast steel top and bottom. Body is made from the best quality of rolled steel, with an extra heavy lining to protect the outside body. Foot rails, panels and legs are nickel plated. We have the finest line of heaters in the city. Airtight Heater, Heavy Cast Top and Front \$5.90
Hot Blast Coal Heater, elaborately nickel plated \$8.00
Combination Coal and Wood Heater \$8.75



Quick Meal Range \$27

The Best Coal Stove Range on the market—Better than the \$30.00 ranges equal to the average \$40.00 range find around town. Four-hole top, and durable body made of the rolled steel, sectional firebox guaranteed not to warp; will burn coal or wood; asbestos lining, extra heat and tea shelves; all for \$27.00



Silver Oak Heater \$18.50

The very latest construction in Oak Heaters, even feature necessary to make a strictly first-class heater embodied in this pattern. Stands 4 1/2 feet high, burns coal or wood equally well. Extra large feed door and smoke curtain, center draw and shaking grate, extra large ashpan, heavy steel body. A handsome heater, laborated, nickel.



Pretty Iron Bed \$3.00

This is but one of a whole carload of new beds just received and now being displayed in our showrooms. It is prettily enameled in green, with heavy chills and castings and the bed is supported in the headboard, so the pillows can't fall out. A full-size bed, extra strong and durable. While they last, \$3.00

In Our Carpet and Rug Department

We show the largest and most varied assortment of Rugs and Carpets carried in Portland. For this week's special we offer IMPORTED SCOTCH BRUSSELS RUGS—
8x12 \$17.00
8x10 \$15.00
6x9 \$11.50
These rugs are exactly like a Body Brussels pattern, come clear through to the back, and are guaranteed to outlast anything at that price ever offered in the city. Beautiful patterns and colorings. Come and see them.

Roll Top Desk \$18.00

Made from solid good oak, drawers on one side, three-ply sliding leaf, book drawer, pigeon holes, letter and stamp drawers, automatic lock on curtain.
THE DESK PICTURED ABOVE, \$27.00. Made of quarter-sawn oak, a handsome desk, 60 inches long.

85-91 FIRST ST. EDWARDS HOUSE FURNISHERS
A GOOD PLACE TO TRADE

that the architects already have the plans well under way. The other news that caused a flurry in the realty market yesterday was the report that negotiations are pending for a lease of the block owned by the Pennoyer estate, bounded by West 1st, Alder, Morrison and Tenth streets. No confirmation of the negotiations could be obtained last evening, those interested in the Pennoyer estate refusing to make any statement. This block is one of the most important in the city. It is in close to by and will secure this valuable block free. As the edition is limited write now.

HOFF IS ADVOCATING BUREAU OF MINING

(Special Dispatch to The Journal.)
Salem, Oct. 13.—Miss Hoff, having been exempted from the provisions of the law creating and governing this bureau, regarding the collection of statistical data concerning the different industries of the state, an element of doubt existed in my mind as to my utility in this eliminated, the question was submitted to the attorney-general, says Commissioner O. P. Hoff of the State Bureau of Labor and Statistics, in his report to be presented to the state legislature. "After receipt of the opinion I made a trip into the Bourne mining district, Baker county, in response to a call to investigate the cause of the death of E. Leake, in the Morrison Boy mine. After the inspection of this and other mines I am convinced that there is dire need of a proper set of rules and regulations to govern the development of this industry, for, while there are well and carefully equipped mines, carelessness and ignorance of the work undertaken in many instances are the causes of many accidents. Had a proper survey been made and other safeguards provided in the Morrison Boy mine by a practical engineer, I believe the accident, the water breaking through the bottom of mine from upper tunnel while expecting to be a safe distance from the mine, would have been averted and the life spared. "Aside from the need of a code of rules and regulations an inspector should be appointed, who, until such time as the state may see fit to establish a mining bureau, may be attached to this office. The interests of these people should be looked after, for, under the most favorable circumstances they are in constant danger.

DRIVER FINED FOR CAUSING RUNAWAY

Pendleton, Or., Oct. 13.—Ward Meeker, driver of a bus in this city, was fined \$46, having been arrested upon a warrant made out in the recorder's court. Several witnesses testified that he was the cause of a big runaway on Main street yesterday.

THIRD MRS. DAME GETS DIVORCE

Obtains Legal Separation From Man Now Serving Time for Bigamy.

SECOND WIFE ALSO SEEKING FOR DIVORCE

Should She Be Successful, Dame Will Be Free, Upon Emerging From Prison, to Again Try Experiment of Married Life.

Judge Sears in the circuit court yesterday afternoon granted a decree annulling the marriage of Myrtle Boston-Kelso Dame and Lorenzo Joseph Dame, the convicted bigamist who is now serving a sentence of 18 months in the penitentiary. By the decree Dame's third wife was separated from him. Divorce proceedings were begun by his second wife, Maria Rosetta Sutcliffe Dame, in the circuit court last week. His first wife, whose name is unknown, obtained a divorce from him several years ago, and

has remarried and is now living in Seattle.

Very little testimony was taken at the hearing before Judge Sears yesterday. It was shown that Dame had married Maria Rosetta Sutcliffe in April, 1904. While bound by this tie, he married Myrtle Boston-Kelso June 21 of this year. The court records were introduced to show that Dame pleaded guilty in July to the charge of polygamy and was sentenced by Judge Gantenbein to serve 18 months in the penitentiary. The marriage was annulled by Judge Sears and Mrs. Dame No. 3 was allowed to resume her maiden name, Myrtle Boston-Kelso. Dame's second wife asks a divorce from him on the grounds of cruelty. She also sets up as a ground for divorce the fact that he contracted a polygamous marriage with Miss Boston-Kelso while he had a wife living. Mrs. Dame No. 2 asks the restoration of her maiden name, Maria Rosetta Sutcliffe. A son of Dame's by his first wife had lived with him and his second wife in Portland. When they separated the boy was sent to board with a family at Newberg. Dame making weekly remittances for the boy's board. When Dame was arrested on the charge of polygamy, the remittances stopped, and the boy was sent back to Portland by the people with whom he was staying. He was cared for here a short time by his step-mother's father, H. Sutcliffe. Later he was turned over to the juvenile court and committed temporarily to the Boys' and Girls' Aid society, from where he was sent to Seattle to his mother. Dame's divorced first wife.

Dame admitted that his had secured a divorce from asserted that she had died, from his uncle at Walla Walla district attorney gave the in that she was still living and married. Should Dame's divorce be successful in getting a divorce, he will be free from marriage when released from the penitentiary to experiment further, forming whether marriage is a pleasure of business.

From the Bonerville Journal—Did you have a Dolly? Dolly—Did I have a good one I should say I did. I got an anteen times, and one of the present.

FIGHT FOR FLOOR SPACE— ANSWER INJUNCTION WITH

Eilers Piano House Endeavors to Oust Portland Business League from Present Home—History of Picturesque Struggle

Strenuous protest is being made by the Eilers Piano House at being restrained from occupying the second floor of the building at Park and Washington streets. The answer to the injunction writ sued by the Portland Business League, the present tenant, has been filed.

The struggle of the Eilers Piano House for a retail location in Portland has been replete with stirring incidents at one time last spring the situation was so desperate that in disgust the Eilers company threw up their hands and determined to abandon the big retail business which they had established by years of endeavor.

Rent Raised 500 Per Cent.

Two three-year leases covered the six years of Eilers' occupancy of the quarter block at Park and Washington streets. Time and again before the last lease expired the question of renewal was discussed with Thomas Scott Brooks, with every prospect of an equitable deal being made. Just a few days before the lease terminated the rent was increased about 500 per cent over what it had been originally. The Eilers House objected strenuously and were told to get out at once. Hurdled efforts were made to obtain other quarters. The Portland downtown district was gone over block by block. Attempts were made to buy out other establishments, but absolutely no demand for places this fall, carried

desirable location. No new building under construction would be available until fall or later. Hence, the Eilers company in disgust and desperation decided to quite the retail business, and so advertised their intent.

Posted a Forfeit.

All their plans were not out of the building by June 1, and the owners compelled the Eilers House to deposit a check for \$1,000 to be forfeited should the premises not be vacated by June 15.

An attempt was made to transfer the collection office for circulation library and Oregonian premium talking machine subscribers to the wholesale warehouses at Thirteenth and Northrup streets, but the subscribers objected. Finally through the intervention of several Washington street business men and the effective work of Mr. Jennings, the real estate man, a new lease was negotiated for the two corner store rooms, the entire basement and the entire upper floor. The Portland Business League not having a lease and being about to move into its own new quarters, consented to vacate the possession by October 1. As a bonus to secure the premises by that time the Eilers company agreed to make most of the alterations and also pay an extra rental.

Hundreds of Pianos Ordered.

Plans were made for actively re-entering the retail business, and as conditions looked favorable for a heavy demand for pianos this fall, carried

upon carload of pianos were. These are now on the track, Portland, with the firm practicing.

Several studios were planned able to do any retail business or not having possession of the premises who consequently organized with the expectation of being occupied the studios October 1. Plans were made for the use of the recital hall soon after October 1.

Loss Will Be Transferred.

"We find ourselves today," says Eilers, "in possession of millions of pianos we have ordered the expectation of doing a retail business in Portland this fall; arrangements made with music studio quarters and also for our proposed Eolian Hall and immense amount of alteration which could have been undertaken long ago, if we could have obtained access to the premises was promised to us. We will lose hundreds of thousands of dollars this fall's trade, will inconvenience our friends and tenants and tied up in our present predicament goodness knows how long. The thing that we are sure of is we will continue in the retail business in Portland at the present locality will equip our new quarters, will obtain them, with everything pertaining to a great music business."