FAILURE ON EXCHANGE

A. O. Brown & Co. of New York Suspend — Claim Made That Failure Not Due to Real Embarrassment and Firm to Resume

New York, Aug. 25.—Following the announcement on the floor of the stock exchange of the suspension of A. O. Brown & Co. today, violent changes were recorded in the list. In the counter movement Chicago, Milwaukie & St. Paul, which had risen previously to 142¾ on two or three transactions, fell abruptly to 141⅜. There were a number of changes of ¼ per cent and even more between sales of some of the leaders. Smelter fell about two points from the highest, and Union Pacific rallied. The Hill stocks lost most of their early gains, and the general list became unsettled.

It is estimated this evening that the liabilities of the company are from $500,000 to $1,500,000.

(United Press Leased Wire.)

New York, Aug. 25.—It was announced today that the firm of A. O. Brown & Co., large and influential members of the stock exchange, have suspended operations. The suspension is thought to be the result of an unusual flurry in the stock market last Saturday, when great excitement prevailed. Since that time a rumor had been current that a big company had gone under but it was not known until today that Brown & Co. were affected.

The company announced its suspension on the floor of the cotton exchange at 2 o'clock this afternoon. Its outstanding obligations there were not extensive. A short time later the firm ordered all its trades in grain at the board of trade closed, which is equivalent to suspension of business in that organization. John W. Rhoades, cashier of Brown & Co., was named as assignee for the firm late this afternoon. D. W. Noel, a New York attorney, is counsel for the assignee.

A representative of Brown & Co. stated this afternoon that the trouble was due not to financial embarrassment, but to the physical impossibility of making deliveries on time. The company had handled 750,000 of the 1,000,000 shares of stock that changed hands in the "wash sale" of Saturday, leaving less than 400,000 shares for the remaining 1,098 members of the exchange.

E. F. Buchanan, a member of the firm, today issued a statement in which he declared the failure is not grave and that the company will pay 100 cents on the dollar. He expressed the assurance that the firm will soon resume business.

A representative of the firm this afternoon issued the following statement:

"We did business Saturday amounting to over 1,000,000 shares of stock. The amount of bookkeeping involved is enormous, but the bookkeeping did not bother us so much as the form of some of the certificates. We had certificates of large amounts from institutions and other customers, which it was necessary for us to send back for correction. It was impossible to secure them for delivery today but there is no doubt that the certificates are genuine and will be good for delivery as soon as the clerical errors are corrected.

"Meanwhile, we have made arrangements with those who have bought stocks from us to deliver them in the near future, or have borrowed stocks and made delivery in that way."

The uproar in the press regarding manipulation in the trading of Saturday resulted in a meeting of the governors of the exchange last night at which a committee was appointed to ascertain who the offenders were.

6,000 MILE HIKERS REACH LA GRANDE

(Special Dispatch to The Journal.)

La Grande, Or., Aug. 25.—Hays and Jackson, the Scottish-American athletes of the Seattle Athletic club, who are walking 6,000 miles in 160 days on a wager of $2,500 reached here today at noon. They are looking cheery and give no sign of fatigue. They have until September 4 to reach Seattle. They must not beg on the way. They maintain they have kept close to the requirements. They leave tonight for Pendleton.

BAKER CITY MAN TAKES OWN LIFE

(Special Dispatch to The Journal.)

Baker City, Or., Aug. 25.—D. M. Dobbins, 55 years of age, shot himself through the heart this morning at this city. The cause was despondency. He was a brother to E. E. Dobbins, manager of the Baker City Iron & Supply company.

NORTH BANK ROAD SUITS DISMISSED

The two suits of the Spokane, Portland & Seattle Railway company against the Northern Pacific Terminal company for condemnation of right of way through the yards of the latter company have been dismissed in the state circuit court, on account of the fact it is stated, that the plaintiff company has decided to enter Portland over other property.

The suits were filed August 1, 1908. The Spokane, Portland & Seattle in the first suit asked the court to instruct the jury to estimate the damages the plaintiff should pay the defendant company in case it should utilize a strip of land 44 feet wide from Seventeenth and Vaughn streets, Irvington, to Front street in North Portland. The second suit was for condemnation of land adjoining this strip.

The defendant company, in its answer, contended that it needed all the land for its tracks and said the plaintiff could go around to the west to reach its terminus. The defendant also set up the claim that the plaintiff in building its line from Seattle to Spokane was violating the Sherman anti-trust act, being incorporated by the Northern Pacific and the Great Northern operating ostensibly as separate corporations, although their stock was owned by the same persons. The defendant company asked to be awarded $100,000 damages in case the first suit should be decided in favor of the plaintiff and $50,000 in case the Spokane, Portland & Seattle also won the second suit.

Treasury Statement.

(United Press Leased Wire.)

Washington, D. C., Aug. 25.—Today's [illegible] statement shows: Receipts, $1,256,[illegible]; expenditures, $1,560,000.

CHAMBERLAIN SAYS STATE MAY BUILD

Declares Club of Taxation May Be Held Over Harriman's Head If He Does Not Give Oregon an Improved Railroad Service.

(Special Dispatch to The Journal.)

Marshfield, Or., Aug. 25.—Governor Chamberlain was unexpectedly called on this morning at the development congress to supplement his speech of last night and he aroused great enthusiasm by declaring that if Harriman will not respond to the spirit of conciliation and grant the demand for new roads, then the club of taxation should be vigorously applied and if that fails the people under the initiative and referendum have the power to appropriate money or issue bonds to build the road themselves. He suggested that electric lines might be most practicable, or that it might be deemed wiser to guarantee the bonds of a road that will build across the state. He declared that he believed the state can build and operate a road at a profit, if such a measure becomes necessary.

(Special Dispatch to The Journal.)

Marshfield, Or., Aug. 25.—Harriman was the live wire at the meeting of the Southern Oregon and Idaho Development congress last night. Each of the three speakers, Governor Chamberlain, Judge Stephen A. Lowell of Pendleton and Colonel E. Hofer, president of the Willamette Valley Development association, gave the audience a Harriman thrill, and the large audience that filled the chamber of commerce hall applauded them to the echo.

Ask for Things.

The governor urged the people of Coos bay to ask for things and keep on asking until they are given, particularly urging that a delegation be sent to Portland to confer with Harriman when the latter emerges from his hunting lodge, to present to him once more the justice of Coos bay's claim to a railroad.

Judge Lowell awakened new enthusiasm when he declared that the people of Oregon through the initiative and referendum have in their hands the power to compel Harriman to expend a fair share of the profits of his Oregon railways in the neglected territory of Oregon.

"I do not favor confiscation, the destruction or jeopardy of property," he declared, "but I stand for freedom and not for thraldom and, for one, am not in favor of waiting forever, for Mr. Harriman to build railroads. We can and should, unless his treatment changes, force him to return a fair share of his profits into the building of new lines where they are so badly needed, and I believe this can be done by law."

Like Trail of Serpent.

On the subject of land grants Lowell was equally emphatic. He said that the land grants are like the trail of a serpent and that unless the government succeeds in legal action to compel their sale to the people as originally contemplated, the people of Oregon should amend their constitution to give the state the right to condemn the lands under the right of eminent domain, take them over, and sell to the people on fair terms.

No Landlordism Wanted.

"We must prevent the curse of landlordism in Oregon," said the speaker. "The single tax will come unless alien ownership of our land is wiped away. If we are quiescent the few will control, and the cycle will bring the feudal age again."

Colonel Hofer declared that the Willamette valley is interested in a railroad for Coos bay because it wants a back door to the commerce of the world as well as a front door by way of Portland.

Describing Harriman from personal observation, he said that the railway king's face reminds him of a keen, polished broad-ax. He said that Harriman is a man without sentiment, the greatest business man in the country, and for that reason he should build into Coos bay, where the profits would be $10 to $1 as compared with any other line that could be built in Oregon.

Temporary Organization.

The congress effected a temporary organization last night, with Judge John H. Scott of Salem as president, and Walter Lyon of Marshfield as secretary. A committee of seven on resolutions consists of Governor Chamberlain, Judge Lowell, William Grims, F. H. Clarke, R. W. Johnson, E. Hofer and Senator Chase. The committee on permanent organization will report at the closing session tonight. At the meeting this morning, Chairman Scott spoke on the good roads government, touching the need of legislative action and general highway improvements. He announced that he will return later to organize the good roads government at Coos bay, where a special meeting will be called.

Resolutions adopted favor the building of permanent state and county highways and the imposition of taxes, wherever possible on the big land grants and alien-owned lands to construct them.

State Railroad Commissioner Oswald West made an interesting address, in which he presented statistics bearing on railway development.

Governor Chamberlain left Marshfield on the Alliance this morning in order to attend the regatta at Astoria.

OSWALD WEST ON OREGON RAILROADS

(Special Dispatch to The Journal.)

Marshfield, Or., Aug. 24.—One of the most instructive addresses of the present development congress was that delivered by Oswald West of the Oregon railroad commission, who took for his theme Harriman's Oregon policy. He showed by the figures he had at hand what the Harriman lines had earned in Oregon and how the earnings were spent in other states. How the policy practiced by the great railroad magnate was retarding the development of the state. Mr. West pitched right into his subject and displayed a remarkable knowledge of the history of the state.

"It was just 40 years ago that work was started on Oregon's first railroad," said Mr. West. "Twenty years later it had in operation only 1,200 miles of road operated by seven different companies as follows:

Northern Pacific, 38 miles. Oregon Short Line, 14.61 miles. O. R. & N. Co., 467.1 miles. O. & C. railroad, 429.8 miles. Oregonian railway, 140.2 miles. P. & W. V. railway, 30 miles. W. V. & Coast railroad, 82.3 miles, total, 1,212.61 miles.

"A number of these roads were at that time in the course of construction and perhaps 100 miles were added during the two years following. Every mile with the exception of the 38 miles owned by the Northern Pacific has since passed under the control of Mr. Harriman and since passing into his hands further extension has practically ceased as the following figures will show. In 1888 there were 1,213 miles of road, today there are 2,050 miles, or an increase of about 850 miles in 20 years. Of this increase 680 miles were built by local people with local capital, 70 miles by local people with the O. R. & N. backing and the balance, 100 miles, by the Harriman interests.

"The people of Oregon are under no obligations to Mr. Harriman. If he has ever done anything for the state the books of his companies show he has been well paid for it. It is the policy of Mr. Hill to develop new territory by building new railroads, but it is Mr. Harriman's policy to await development of the country before building, and in the meantime to bottle it up by securing all strategic points along available routes to prevent any other road from carrying off the oyster before he is ready to eat it.

"Mr. Harriman gave out an interview in Chicago recently, in which he said, 'If railroads are to go on extending their lines, improving the ones they now operate, and providing new equipment to take care of the business of the country, they have got to get more revenue.'

"If all the net earnings of the Harriman lines in Oregon had been expended in railroad extension in this state we would have so many miles of railroad that the railroad company would have trouble in employing enough men to flag the crossings.

"Let me show you something, taking the O. R. & N. company as an example. This company operates 1,245 miles of railroads in the northwest. In 1836 it was in the hands of a receiver, but was in that year reorganized and launched upon a new and successful career. The new company was capitalized at $35,000,000 and there was a bond issue of about $20,000,000. That was but 11 years ago, yet the net earnings of the road in that short time amounted in round numbers to about $48,500,000, and would have been far greater had not vast sums expended for improvements and new equipment been charged to operating expenses. The books show $18,500,000 to have been expended during this period for maintenance and equipment and charged to operating expenses. How much of this was for betterments and equipment I am unable to say. The true earnings are, therefore, many millions more than the books of the company show them to be.

"After spending vast sums for betterment and equipment, the creation of renewal funds, and dividends on its preferred stock it had on June 30, 1907, a surplus of $29,000,000. Its earnings for 1907 were as follows:

Income from operation	$5,972,993.93
Income from other sources	1,204,362.31
Total	$7,177,356.24
Int., rents and taxes	1,383,572.04
Net income	$5,793,784.20
Div. on preferred stock	440,000.00
Balance	$5,353,784.20

"Investigation shows the Shaniko branch to have been built for less than $12,500 per mile; the Condon branch for $16,000; the Pilot Rock branch for $22,000; the Sumpter Valley for $15,000, and the Corvallis & Eastern for about $20,000 per mile, or an average of about $17,000 per mile. As these roads traverse a country similar to that leading into central Oregon and Coos Bay it gives one a good idea as to the probable cost of these new roads.

"It is about 300 miles from Natron or Detroit to the eastern boundary of the state, and a road at $17,000 per mile would cost a little over $5,000,000 or less than the amount thrown into the surplus for the year 1907 by the O. R. & N. company after paying all operating and other expenses, interest on bonds and a dividend of four per cent on preferred stock.

"We have said nothing about the earnings of the Southern Pacific company. The Southern Pacific earnings reported are for the entire system and not apportioned by states. The net income from the operation of the entire Southern Pacific system abounts to about $5,777 per mile or about $1,460 per mile less than the Oregon Railroad & Navigation company's earnings in this state and in view of this it will not be unfair to assume that the Southern Pacific earnings in Oregon are as much per mile as they are for the entire system. With 666 miles of line earnings in this state for the year would amount to over $3,800,000 and after paying interest on bonds and a dividend on the $24,000,000 watered stock there would still be a surplus of $2,300,000 or nearly enough to build a railroad to Coos Bay.

"A comparison of a few figures for the years 1887 and 1907 may be of interest to show how traffic and earnings have increased during the past 20 years. The O. R. & N. Co. will be taken as an example:

	1887.	1907.
Passenger earnings	$ 734,961.65	$ 3,764,856.65
Freight	3,956,588.31	8,946,604.90
All sources	5,911,695.37	14,147,177.80
Net earnings	1,800,384.40	5,793,784.20
Freight car-		
ried (tons)	600,102	3,442,651

"The railroads are continually howling about the increased cost of operation. Their reports show that the averages daily compensation paid all employes (excluding general office) in 1892 was $2.83. In 1907 the daily average compensation paid to the same class of employes was $2.27. Certain classes of employes are receiving better pay, but others are receiving less.

"The average percentage of operating expenses to operating income for all roads in the United States is about 68 per cent. On the O. R. & N. for 1907 the percentage was only 53 per cent and on the entire Southern Pacific system only 55.5 per cent. And all this in the face of enormous expenditure for betterments and equipment, all of which have been charged to operating expenses, otherwise the percentage of operating expenses to operating income would have been much lower. Mr. Harriman has no complaint to make as to the cost of operating his Oregon lines.

"While the records show the Harriman lines to be among the best, if not the best, paying roads in the United States, they also show that Oregon dominated by Harriman Interests has but 42.9 lbs of railroad per 10,000 inhabitants, while Montana and the Dakotas, thanks to Mr. Hill, have an average of 100 miles of road per 10,000 inhabitants.

"The people of Oregon have all these years given the railroads the best of it. Until the law creating the present railroad commission was passed they had been free to conduct their business and fix their charges as they saw fit. Had the same fair in their dealings with the public, the railroad commission act of 1907 would never have been passed.

"Up to the year 1907 the Southern Pacific and the O. R. & N. were only assessed on the average at about $4,000 per mile, and this included depot grounds and rolling stock. For the year ending June 30, 1907, their net earnings were sufficient to pay a 5 per cent dividend on a capitalization of about $125,000 per mile. Lately a few county assessors have had backbone enough to raise the assessment, with the result that in some of the counties the railroads are only dodging about one half of their taxes. In other counties the assessment is still ridiculously low. The people of this state want the railroads to have fair treatment in the matter of taxation, and they want to see them make money, but they expect and are going to demand decent treatment in return.

"Oregon needs more railroads, and it is up to Mr. Harriman to build them. He has for years milked this state to build railroads in other states. The railroad commission on account of the recent financial flurry, has hesitated at cutting too deep into the railroad earnings, but the danger is now past and business is recovering, and unless Mr. Harriman gets busy with his Coos Bay and central Oregon lines there is no reason why all unreasonable rates now in effect on his lines should not be reduced."

COAST CLUBS TO ACT IN UNISON

Portland Delegation to Join Conference With Other Commercial Bodies.

Theodore B. Wilcox will head a Portland delegation of business men who will leave the first week in October to attend a conference of the various commercial bodies of the Pacific coast to be held in San Francisco. The plan is for all the commercial bodies of the important Pacific coast cities to unite in one central body so as to be able to act quickly and easily in case any national legislation is desired by the Pacific coast as a whole.

This conference will be held immediately following the meeting of the Trans Mississippi Commercial congress, which occurs October 6 to 10, in San Francisco. It is proposed to have a special train of business men attend the meetings from the northwest and Portland will send one of the biggest of the delegations.

It is believed that if all the commercial bodies of the coast have some central congress to act for them in coast matters that much more will be accomplished than if the various local bodies petition for some desired improvement.

THOUSAND FAMILIES COMING TO OREGON

One thousand central Illinois farmers are packing up their household goods and preparing to move to Oregon before next spring. They have made their arrangements to come out by special trains to southern Oregon and will settle on the military road grant in Lake and Harney counties.

This is probably the largest emigration from one point to a western state since the days of the old Oregon trail, and will bring a particularly desirable class of farmers and residents into southern Oregon.

Information of the proposed movement reached the Chamber of Commerce this week through a letter from Henry I. Wallace of Clayton, Adams county, Illinois, who asked for additional information regarding the military road grant and said that over 1,000 families from Adams and neighboring counties had completed all their arrangements to come to Oregon this year.

OREGON BOOKLETS IN GREAT DEMAND

Demand for the new booklets on Oregon published by the Portland Chamber of Commerce has been so great that the chamber has had to cut down the number of books that can be given any one firm. This morning A. M. Cleland, general passenger agent of the Northern Pacific at St. Paul, asked for 2,000 copies for distribution through the middle west, while 5,000 books have been given to the Harriman lines for distribution, 1,000 each to the board of trade and Commercial club and 2,000 to the land department of the O. W. P. Co. Envelopes for the books have been designed by Acting Secretary Mosessohn of the Chamber of Commerce and should prove of particular value in advertising the state because the word Oregon, printed in large letters, is the biggest word that can possibly be placed on the envelope and attracts the attention as soon as the envelope is seen.

INDIANA MAN BUYS EAST SIDE PROPERTY

Major W. P. Gould, of Vincennes, Ind., purchased yesterday the property on East Morrison street, near Union avenue, occupied by the Donnelly Hardware company. The property formerly belonged to J. F. Daly and J. Friedenthal and was sold for $80,000. The building improvements on the property consist of a three-story frame, which is leased, a rental that produces a fair return on the purchase price.

Major Gould is so much impressed with the advantages offered by Portland for profitable real estate investments, that he has decided to return to Indiana, close up his business affairs in that state, and with his family come back to Portland and make it his future home.

JUDGE REDUCES EXECUTOR'S BOND

Judge Webster this morning granted a motion on behalf of Mrs. Hansen, administratrix of the estate of William M. Ayres, to reduce her bond from $8,000 to $1,000. A. E. Gebhardt, attorney for the administratrix, stated that the old bond of the National Surety company had expired. The appraised value of the estate, he said, is $16,247.70 and the total claims against it, exclusive of interest, amount to $15,295.68. There are now on hand cash assets amounting to $4,645.84, but the administratrix desires to pay the money out as soon as possible as a dividend upon the claims against the estate. The judge approved the request of the administratrix that she be permitted to pay off at once the claim of the Edward Holman Undertaking company, amounting to $549.70. He also ordered the surety company released from its bond.

MAZUROSKY MAY GET TIME ON WATCH DEAL

Samuel Mazurosky, proprietor of the National Jewelry company, 242 Burnside street, was arrested yesterday for keeping his store open on Sunday. He was released on $50 bail and will be heard tomorrow in the municipal court.

Deputy District Attorney Page this morning read the jeweler a severe lecture outside the courtroom. "Complaints are coming to us all the time that you are swindling people right and left down there. Where there is so much smoke there must be some fire. I am going to prosecute you just as hard as I can every time you can be arrested," he declared. Mazurosky's denial was very feeble.

Three separate complaints were made to the police Saturday night by men who declared Mazurosky had defrauded them on watch deals. Similar complaints are made almost weekly.

REPORT THAT JAP TREATY HAS FAILED

Washington, Aug. 25.—Attempts are being made today to verify a report that leaked out of diplomatic circles yesterday to the effect that all efforts to effect an immigration treaty between the United States and Japan have failed.

The statement was made by a visitor to Washington who is thoroughly conversant with affairs in the far east after conference with a member of the state department.

The proximity of the national election and the disposition shown to make the Japanese question a political issue on the Pacific coast have prompted the utmost secrecy regarding Japanese affairs here and it is hard to determine the present attitude of the government.

COMES FROM SEATTLE TO INSPECT TRACK

C. R. Yandell of the Seattle chamber of commerce and the head of the Seattle Racing association will arrive in Portland tomorrow morning to visit the new site of the Country club on the east side and to inspect the quarters of the new Commercial club. Mr. Yandell will be entertained by the club members and shown all the places of interest which he desires to visit while here.

GRADERS AT WORK ON S. P. OSWEGO CUT-OFF

Notwithstanding his assertion at Pelican lodge that the projection of the Central Oregon railroad would be seriously handicapped if the city of Portland compelled the Southern Pacific to remove its line from Fourth street upon the expiration of its franchise November 1, Edward H. Harriman is assembling a large force of both men and teams along the line of the Southern Pacific cutoff between Oswego and Hillsboro, by way of Tigardville.

Workmen began making camp yesterday at different points along the route of the new cut-off and it is evident that extensive grading and construction work will soon be under way. The new cut-off to be built will connect the present west side line with the new bridge near Elk Rock, below Oswego, bringing the trains now reaching the city by way of Fourth street into Portland on the east side of the river.

Rights of way have been secured over the new route and the steam road will parallel the Oregon Electric for a portion of the distance between Tigardville and Durham station.

When questioned regarding the work about to be started, Southern Pacific officials this morning denied that the new camps were a part of the road's construction forces.

"The work is not being done under my supervision," said Chief Engineer Boschke. "We have received no orders from Mr. O'Brien and the matter would necessarily come through his office. The Southern Pacific has no intention of doing any work along the line of the cut-off for some time to come that I know of."

The Oregon Electric road is the only other transportation line interested at present in that section of the country. The electric road, however, has its own forces at work, but at a point remote from the Oswego cut-off. In fact, construction gangs have been busy for the new electric line about Beaverton and Hillsboro for some time, and it is evident that none other but the Southern Pacific would place new gangs in the field in the vicinity of the cut-off route.

DIVORCE FEATURE IN FEDERAL TIMBER SUIT

Several years ago, in 1903 to be exact, Mr. and Mrs. Claes W. Anderson squatted on timbered land in Coos county. Mr. Anderson had 160 acres, Mrs. Anderson took 80 and was satisfied. Later there was a little dispute in the family. Mrs. Anderson gathered her duds together and hiked over into the state of Washington. While there she got a divorce from Mr. Anderson. Mr. Anderson didn't seem to care about the divorce a bit.

After a while, however, one or the other of the two repented. Perhaps they both did. Anyway, there were a few letters written. Then Mrs. Anderson hiked back to Coos county and to her little 80 acres of land. And to Mr. Anderson's shanty. Along about this time the president made a forest reserve in this part of Coos county which included land on which the Andersons had squatted. The Anderson's claims are being contested. Mr. and Mrs. Anderson are still living there, divorced, though, but as happy, it is said, or happier, than ever before.

But now Mr. Anderson has more troubles. He says it is worse than the divorce. Says he, it will cause him to worry more. This is the feature of the story, in fact. It should have been said in the beginning. But if it had been it would have been difficult to bring in so much about Mrs. Anderson, the divorce and the return to her former husband. And also the fact that the divorcees are now living together.

Here's the meat of the story, at last, honest.

United States District Attorney John McCourt filed a complaint in the United States district court this morning charging Claes W. Anderson, that's the man, with having unlawfully cut and destroyed 400,000 feet of government timber. This is all in the forest reserve.

Anderson says he had a right to cut the timber, which is unusually fine, as he has a prior right to the claim—that the president didn't sign the proclamation making the forest a reserve until long after he had taken up the claim. Mrs. Anderson says that Mr. Anderson is right.

The timber was sold to a sawmill. There are several hundred acres of coal land in the forest reserve, too. Some day there will be a coal mine there, maybe.

A. R. Clinton, Cecil C. Carter, T. R. Billings, Q. W. Morris and W. J. Anderson, who live in that neck of the woods, are named as witnesses for the government.

The timber cut is worth something like $500. The penalty for such actions as are charged against Mr. Anderson is a year in jail, or thereabouts, and a heavy fine.

MAYOR LANE READY TO SUE UNITED RAILWAYS

The United Railways company will either have to pay the city $100,000 for failing to construct a line of railway between Portland and Salem or stand suit upon the matter. This was made certain by the communication from Mayor Lane to the council in which he asked the councilmen to authorize him to institute suit to recover the money which is guaranteed by the company with a bond.

The company was given a franchise in May, 1906, and agreed to have its lines in operation within two years. The time has passed and the line is not finished, and in fact the company has diverted its efforts to building a line to Hillsboro. To guarantee the Salem line a bond of $100,000 was deposited with the city, and which City Attorney Kavanaugh recently declared forfeited. In order to collect the money suit will be necessary unless the company voluntarily pays the amount of the bond, which, it is said, it will not do. Acting upon this presumption Mayor Lane has asked authority to proceed with the suit in the following message to the council:

"I am informed by J. F. Kavanaugh, city attorney, that the United Railways company has failed to fulfill its contract with this city to complete its line of railway to the city of Salem, Oregon, within the time agreed upon, and that in consequence it has forfeited a bond given by it to the city in the sum of $100,000.

"I am also informed by him that suit may be ordered entered upon by the city for an enforcement of the terms of the contract or a forfeiture of the bond by either the city council or the mayor or by joint action from both the legislative and executive heads of the city government.

"If it is deemed advisable to enforce payment upon this bond I would respectfully suggest that inasmuch as the mayor was authorized by your honorable body to enter into the contract and accept the bond, thus making a joint action of the affair in the first instance, it would in my opinion be but a safe procedure for the city to again follow the same course and the city council authorize the mayor to enter upon a suit to collect the moneys due upon said bond.

"By doing this all parties connected with the city government would be parties to the suit and no question could arise as to whether the proper authority had been invoked in the issue. I therefore respectfully ask that you take such steps as are necessary to this end."

JANITOR FORGETS TO WORK DURING SCHOOL VACATION--JOB IS VACANT

The school board has been conducting an investigation of janitors during the summer months in an effort to find out how the janitors spend their time while drawing pay, and as a result of the investigation discharged Janitor Eastman from the Portsmouth school this morning. Eastman was reported by Special Officer White as not attending to his duties and the board at once declared the position vacant.

Eastman, however, has his warrant for his July salary, which will be due in several days, and the board ordered payment withheld.

According to the report of Officer White, Eastman has been in the school building but very little during the time since the schools closed for the summer vacation, and White was sent to the school to learn just how much time he gave to the city while drawing salary. White reported that Eastman was "not present very often."

Other janitors are being watched and it is expected that changes in the force may be made by the board. Inquiry was made by several members of the board as to the conduct of certain janitors, but White reported that in all other cases where he has visited the janitors were present attending to their duties. These men will be watched, however, and any found derelict in their duties will be dismissed.

CIRCUS DAY MEANS LONG HOURS FOR MEMBERS OF POLICE FORCE

The visit of a circus to the city means extra work for every member of the police department, and though nearly every policeman has a chance to see the show, there would be no sorrowing in the police station if a circus never came to town.

Ending yesterday's work at midnight, the members of the first night relief reported for duty along the line of march of the circus parade at 9.30 this morning. This afternoon half of this relief is on duty at the circus grounds, and this evening they will have their regular beats to walk.

The day relief under Captain Moore will be continuously on duty until 6.45 this evening, when the second night relief men, whose usual hour for commencing work is 11.30 p. m., will take their places. After the circus is over and the rest of the city safely put to bed, these second night patrolmen will walk the streets until 7.15 tomorrow morning.

CALL OF THE SAWDUST RING GAVE STRENGTH TO HIS PLEA

Fernando Aaria, a native of Chile, is a happy man today. Fernando is the son of a well to do merchant of Chile, but the north American brands of liquor set his brain afire. He has spent nearly every day of the last nine months in the city jail, for no sooner would he serve out his time than the whiskey craving would set him on the downward path again.

In jail Fernando is the most tractable of prisoners and works as a trusty splitting wood and cleaning the police station every day. His danger lies outside.

Fernando once worked with a circus, and learning of the approach of Barnum & Bailey's show, pleaded with Judge Van Zante to let him off today, a few days before his sentence expired, in order that he might join the show and get back to the life of the sawdust ring again.

Before leaving for Seattle last evening Judge Van Zante granted Fernando's request and he left the jail, his only home in Portland, after bidding an affectionate farewell all around.

LAW MUST BE LIKE LAWMAKER

President of Bar Association Puts Finger on One Source of Evil.

(United Press Leased Wire.)

Seattle, Wash., Aug. 25.—With delegates from every state in the union in attendance and before a crowd that packed every corner of the big auditorium of the New Washington hotel, filled the galleries and lined the speaker's platform, the thirty-first annual meeting of the American Bar association was opened here this morning.

The important event of the day was the annual address of the president, Judge J. M. Dickinson of Chicago. Dickinson attacked ruggedly and fearlessly what he considered perilous conditions existing throughout the country, dwelling at length upon the causes of recent bitter attacks upon the courts. He called upon the lawyers to perform their duties in doing their part toward restoring the public confidence in the judiciary, which he declared is rapidly being lost.

Dickinson deplored the making of too many laws. He declared that the source of the evil lies in institutions, which make it possible for young, inexperienced and incapable men to become legislators. He commended the use of the direct primary, but declared that no form of legislation can work reform until the individual awakens to a full sense of his duty. He closed his address with an eloquent appeal to lawyers.

To Make Courts Respected.

"The duties of the American lawyer are broad and touch every phase of human affairs," he said, "but in no field of service is there more imperative demand for his patriotic efforts than in reserving the independence and integrity of the courts and respect for them as an essential part of our government."

The addresses of welcome were delivered by Mayor John F. Miller of Seattle for the city, United States District Judge C. H. Hanford for the state of Washington and Judge Frank S. Dietrich of Idaho for the Pacific coast.

One hundred and forty-four new members of the general council were elected, the reports of the secretary and treasurer and the executive committee were read and with these matters disposed of adjournment was taken, with the decks clear for the real business of hearing the reports of committee tomorrow.

For tonight's session the program includes a paper on "National Progression and the Increasing Responsibilities of Our National Judiciary," to be presented by Judge C. H. Hanford of the United States district court, and an address by Edgar H. Farrar of Louisiana on "The Extension of Admiralty Jurisdiction by Judicial Interpretation."

Tomorrow morning former United States Senator George Turner of Washington will deliver an address and then will be received the reports of the standing committees. Tomorrow evening Frederick Bausman of Seattle will present a paper on "Whether Our Laws Are Responsible for the Increase of Violent Crime."

Thursday will be devoted entirely to convention business and the feature of Friday morning's session will be the election of officers.

Among the men of note who are expected to deliver addresses before the association proper or before some of the sectional meetings are President David Starr Jordan of Leland Stanford Jr. university, Judge Simeon E. Baldwin of Connecticut, George W. Kerchwey of Columbia Law school, Andrew A. Bruce of the University of North Dakota, Robert S. Taylor of Indiana, Wallace R. Lane of Iowa and Karl von Lewinski, an eminent German lawyer.

One of the most important matters which will be considered at the meetings will be the report of th especial committee appointed by the convention at Portland last year to suggest remedies and draft proposed laws to prevent delay and unnecessary cost in litigation. This report, which undoubtedly will be followed by a long and lively discussion, opens with a statement that the existing evil which seems most serious to the committee is the disposition in many jurisdictions to dispose of appeals or writs of error, both in civil and criminal cases, upon technical grounds, and not to decide them upon the merits.

"The unrestricted right to a writ of error in criminal cases is characterized by the committee as a flagrant abuse in judicial procedure. "These writs," the report adds, "are constantly used out only for delay. The punishment of notorious criminals thus is constantly being postponed in violation of every principle of justice. This is especially flagrant in the suing out of writs of error from the supreme court of the United States to review the decision of the highest courts of criminal jurisdiction in the several states. We recommend that no writ of error returnable in criminal cases to the supreme court of the United States should be allowed unless a justice of that court shall certify that there is probable cause to believe that the defendant was unjustly convicted."

In support of this recommendation the report of the committee quotes an address of Andrew D. White, in which he stated that while murders were increasing rapidly, yet the procedure against them was becoming more and more ineffective, and in the light of recent cases in New York and elsewhere was seen to be a farce, adding that he favored preventing appeals based on mere technical matters and upon errors of trial judges in trifling matters of procedure and the like which have nothing to do with the question of guilt or innocence.

DEMAND LOWER TELEPHONE TOLLS

With the completion of a direct rail route between Portland and Lewiston, Idaho, over the new Lewiston cut-off of the O. R. & N., Lewiston merchants are demanding a better telephone service between Lewiston and Portland and a fairer rate in competition with the Lewiston-Spokane service. The board of governors of the commercial club took the matter up at its meeting this noon and an effort will be made to have the telephone company reduce the Portland-Lewiston rates.

Since the completion of the new cut-off the business done by Lewiston with Portland has more than doubled and much of the trade that Spokane formerly enjoyed with the Lewiston district has been diverted to Portland. The rates charged by the Pacific States Telephone & Telegraph company are declared excessive, however, and an impediment to more complete business relations between Portland and the northern Idaho metropolis.

In a letter received by the Portland Commercial club from J. A. Cook, secretary of the Lewiston Commercial club and in which the assistance of the former organization is asked in securing a reduction of the rates it is claimed that the present rates between Spokane and Lewiston are half what they are between Portland and Lewiston. The present Portland-Lewiston rate is $1 for the first minute and 20 cents for every additional minute. The Spokane rate is 50 cents for the first minute and 10 cents for each additional minute. The Commercial club is going to try and have the Portland rate reduced to 75 cents for the first minute and 20 cents for each additional minute.

Let Out on Bail.

Lillie Brink and Myrtle Tillison, two women whose manners are said to be more affable than moral, were released from the county jail yesterday afternoon on bonds. They will return in a few days for trial.