

VALLEY RETAILERS BEGIN THEIR FIGHT FOR 10 CENT RATE

Albany Association's Lawyer Is Handling Suit but Intervenor Is Asked on Behalf of 60 Merchants.

Willamette valley merchants found themselves in a tangle of freight rates, differentials, arbitrations, through rates and joint through rates before Examiner Prouty of the Interstate Commerce commission this morning. The occasion was the hearing of the case of the Oregon railroad commission against the Southern Pacific and other roads to compel the restoration of the 10 cent arbitrary on transcontinental shipments to points in the Willamette valley between Portland and Albany and Corvallis.

Although the suit is brought in the name of the state railroad commission it is being tried by H. H. Hewitt, who is chairman of a merchants' traffic association at Albany. No sooner had it opened than Edward M. Cousin asked leave to intervene, stating he represented about 60 merchants in Willamette valley towns not represented by Mr. Hewitt.

While the original complaint merely asks that the present local rates from Portland to the Willamette valley towns included in the suit that are now added to the through rate from the east be abolished and that the old 10 cent arbitrary be established in their stead, Mr. Cousin's petition asked the commission to find the amount of better rates desired by his clients from the advance of rates reported for this damage.

Examiner Prouty ruled that while Mr. Cousin could intervene on behalf of his merchants, if he wished, that inasmuch as the original complaint makes no mention of reparation or damages, his petition should be denied in that respect. He was informed he could remain and examine witnesses if he wished, however.

World Shut Out Portland. J. N. Teal, representing the wholesale and manufacturing interests of Portland, was present at the hearing but took no part in it further than to bring out the point that a restoration of the 10 cent arbitrary desired by the valley merchants would enable eastern manufacturers and jobbers to ship into the valley at much less cost than Portland and would result, practically, in shutting Portland shippers out of this territory.

The so called 10 cent arbitrary was established in 1891. Under it commodities shipped from the east to points on the Southern Pacific to 50 miles south of Portland would take the rate from the originating point to Portland and pay a 10 cent additional rate to the Willamette valley destination. Portland jobbers not only had to pay the transcontinental rate to Portland but also the local rate from Portland to the Willamette valley towns, which acted, practically, as a protective tariff for eastern manufacturers and wholesalers. The railroads recognized it as an unjust discrimination against Portland and it was abolished as Traffic Manager R. D. Miller of the Harriman line in Oregon and Washington testified today, because it was "discrimination between localities, discrimination between traffic, entirely too low, and was not justified by existing conditions."

Longer Route, Bigger Rate. Mr. Miller did not deny that freight for the lower Willamette valley is usually routed via the Oregon Short Line and the O-W. R. & N. and that the rate from Missouri river territory to Portland via the Ogden gateway is 25 cents lower, first class, than to Salem via the Sacramento gateway. But he showed why this was so. The distance from Omaha to Portland via Sacramento is 2842 miles, while the route from Portland via Ogden is 1799 miles—a difference of 543 miles. In other words, said Mr. Miller, the long route does not attempt to meet the rate of the shorter route.

Mr. Miller said he considered the 10-cent arbitrary as originally in effect on 80 miles of road was a mistake and should have been taken out long before it was.

"It was simply a case where no one had the nerve to remove it," said Mr. Miller. "It was not justified by any of the conditions surrounding the traffic."

Water Constantly Rises. In response to a question from the examiner, Mr. Miller said water traffic is giving the transcontinental lines more and more competition each year in coast to coast business. The establishment of the new route across Panama, new lines of water carriers entering the field continually, and the ability of the water lines to maintain cheaper rates from Atlantic to Pacific ports than the rail lines combined to make competition

HAAK COMES BACK, BILL IN POCKET

Can Find No Senator, He Says, to Take It, All Fearing the School Board.

Complaining that the influence of the Portland school directors had prevented him from getting the proposed model school law before the legislature, John H. Haak, president of the Civic council, returned to Portland yesterday after several days vainly spent in the capital trying to get members of the legislature to introduce the bill, which was endorsed by the Civic council, a citizens' committee and one member of the school board.

Mr. Haak contends that the school directors in a meeting recently held approved the present measure, which is a compromise between citizens and school directors, and that they are not keeping faith with this agreement.

"We yielded nearly every point of school administration that was originally insisted upon," said Mr. Haak. "We accepted the suggestions of the school board. We wiped out the provision for a school board of 12 members, for annual elections to be held at the same time and place as city elections, for selection of plans and specifications of new school buildings by competitive methods, that civil service rules apply to teachers and that the grand jury be given ample power to expel the accounts of public officers. In accord with the desire of the school board we provided for the abolishing of the fiscal taxpayers' meeting and made no mention of the issuance of a budget of needs for the school district, to be published at least two weeks before the annual tax levy is made."

But when I went before the legislature I found that insidious opposition had preceded me. One senator gave me to understand it would be political suicide for him to support the measure though he believed in it. Others told the same story.

Directors Campbell and Fleischer said yesterday that they maintained their opposition to the model bill because they believed it gave the superintendent too much power. Mrs. Sitton said there were portions she did not agree with. J. V. Beach, another member of the school board who approved the measure, said he had done so, not because he was in sympathy with all its provisions, but because he thought it was a proposition to give and take, and there was need for more business-like system.

Harrison G. Platt and Professor W. T. Foster, members of the citizens' committee, endorsed the view that the superintendent of schools should have broader authority. "The school board now makes the superintendent a your-leaves sort of fellow, an underling waiting on the word of the board for liberty to perform his duties," said Mr. Platt. "We should look to the superintendent rather than to the board for the control of the schools."

The board meets infrequently, knows little, practically, about school administration, and makes a serious mistake in taking to itself all power and authority, or in seeking to hold it now."

It was the influence of water competition, he said, that resulted in a lower terminal rate to Portland than to Willamette valley points and it was water competitive conditions that resulted in the extension of this rate to Seattle, Tacoma and certain Grays Harbor points. He said that such other lines as the Great Northern, Northern Pacific, Denver & Rio Grande and, to a limited extent, the Milwaukee, all competed with the Harriman lines for Willamette valley business, having the same transcontinental rate to Portland and paying the local over the Southern Pacific.

He testified that the Southern Pacific now gets 40 per cent of a rate from Missouri river territory, where it received 30 per cent as its proportion prior to 1901.

COMMERCIAL CLUB OF PENDLETON ELECTS. (Special Dispatch to The Journal.) Pendleton, Or., Feb. 8.—The regular annual election of officers of the Pendleton Commercial association was held last night. Attorney Jan P. Smythe was elected the president. W. E. Brock was president, Clarence Bishop secretary, and Royal Suttle treasurer. Ten members were elected as board of managers, they being Dr. C. J. Smith, A. J. McAllister, G. M. Rice, W. L. Thompson, T. G. Montgomery, J. P. Winter, E. B. Aldrich, Harry Gray, G. I. Ladow and T. C. Taylor.

The administration are six merchants, three bankers, two attorneys, one journalist, one doctor and one manufacturer.

As announced by the new president, some of the important work to be done in the next year is the promotion of several private irrigation projects in the county and the securing of Pendleton as a railroad division point, and making of this city a traveling men's headquarters.

WOMAN IS SAVED BY VINEGAR BOTTLE

Mrs. J. S. Savere Pounds Assailant With It Till He Is Weakened.

A heavy vinegar bottle wielded by Mrs. J. S. Savere of 307 Everett street, which inflicted a severe wound on the head of Albert Walter, a laborer, at midnight last night, saved the woman, who was beaten by Walter. The man desisted from his attack only on account of wounds to his face and blood.

Mrs. Savere was alone. She heard someone attempting to open the kitchen window. Thinking to frighten the intruder, she opened the door, but was surprised by Walter, who jumped through the door and threw her to the floor. She jumped up immediately, and grabbing a heavy bottle from the table beside her, struck the man several times over the head. One blow broke the bottle. She kept up her fight.

She was finally overcome. Walter grabbed her by the hair and dragged her across the street. Here he almost fainted, she said, and left her in the street.

Some time later Officer Cameron and Special H. C. Bower found a man half asleep in a wagon at Fifth and Davis streets. While trying to learn his identity, Savere rushed up and told the story of what happened to her. Walter was taken back to the home and identified as Mrs. Savere's assailant.

Walter was brought to the station. Hearing was postponed until tomorrow. Mrs. Savere is not badly injured, although very weak from fright.

REDUCED S. P. CLASS RATES NOW EFFECTIVE. Reduced class rates from Portland to points south in Oregon on the Southern Pacific, as ordered by the state railroad commission October 20, 1910, became effective today. They mean a reduction of approximately 20 per cent.

The railroad company fought the commission's decision in every legal way, but failed to secure a reversal of the commission's ruling.

The Southern Pacific company filed a bond when it secured an order from the court restraining the decision of the commission from becoming effective at the time the order for reduction was made, and shippers who since that time have paid full rate will be refunded the excess upon presentation of their claims. The total amount of these claims has not yet been estimated by the railroad company.

TAZWELL PUTS CHECK ON A MENTAL HEALER. Dr. Joseph Jefferson, a mental healer, was in police court this morning to answer to the complaint of advertising to give advice on business affairs through psychic trances.

Making weird gestures, spasmodically running his thin long white fingers through his hair, the "doctor" pleaded with Judge Tazwell to dismiss the case, declaring that if he did so he would cease advertising his profession.

He stated several times to give a lengthy analysis of his business and to explain his powers, but each time Judge Tazwell shut him off. Finally, as if he had fallen under the mystic power, Judge Tazwell ruled that sentence would be suspended if Jefferson would conduct himself properly in future.

RATE CASES MAY BE ARGUED ON MARCH 20. J. N. Teal, attorney for the Portland chamber of commerce and for the Pacific coast lumbermen in their efforts to secure lower freight rates, has received a telegram from the Interstate Commerce commission saying the Spokane rate cases which include the In-mountain cases and the application of the transcontinental lines for permission to place certain rates in effect will be argued before the commission in Washington, D. C., March 20. The Willamette valley case now being heard before Examiner Prouty in Portland and the South Portland differential case will be argued at about the same time, it is expected.

WIFE-STEALING CHARGED IN \$15,000 DAMAGE SUIT. Alleging in a complaint filed this morning in the circuit court that Danforth Ellery stole the affections of Mrs. Ballou, Jesse Ballou seeks damages to the extent of \$15,000. Ballou says everything was harmonious in the home until only when Ellery became acquainted with Mrs. Ballou. He immediately began showering attentions on her, which resulted in her leaving the home, the complaint reads.

STRICKEN ON CAR; DIES ON WAY TO HOSPITAL. B. A. Koehler, a member of the Portland Theatrical Mechanical association, became unconscious last evening on a streetcar when going from his home, 109 Whittaker street, to work. He was taken to Plummer's drug store at Third and Madison streets. On the way to the Good Samaritan hospital he died. A postmortem examination revealed kidney trouble as the cause of death. Koehler was 29 years of age and single. He had been in poor health for some time.

ESTABLISHMENT OF STATE FOREST PLAN IS POPULAR

Governor West's Idea to Exchange Scattering Land for Compact Tract Meets With Hearty Accord.

(Special Dispatch to The Journal.) Salem, Or., Feb. 8.—Governor West's proposal to exchange about 45,000 acres of scattering state lands in the national forests in Oregon for a compact tract to be selected within the Cascade national forest system, which is being established, has met with the highest approval of H. S. Graves of the government forestry service, who has sent a communication on the subject to Governor West. The forestry service desires to know what is the approximate value of the state lands which it is proposed to exchange to the government, and in order to make the exchange special legislation will have to be enacted by congress, which can hardly be accomplished at this session owing to the proximity of the day of adjournment.

Mr. Graves says he and the portion of Governor West's message relating to this subject with great interest, and says further:

"The friendliness you express for the forest reserve system will, I am confident, materially promote its advancement and acceptance by the people as a permanent policy of both state and nation."

In Accord With Reasons. "I am quite in accord with your reasons for desiring to establish the state forest you propose and most heartily agree with your views as to the results to be achieved by its establishment."

"So far as I can render any service which can be consistently given I will be very glad to cooperate in advancing your purpose."

Preliminary to deciding on any proposition of exchange, such as is proposed, and securing legislation to effectuate it, it would be important, of course, to the forest service to know somewhat of the character and value of the lands offered by the state, and approximately at least, the particular area of land within the Cascade national forest, which the state of Oregon desires for use as a forest.

With this view I have sent to the district forester at Portland, Or., the list you enclosed of 'base lands available for indemnity selections,' which lands are proposed for the exchange, with a request that he submit a report to me concerning them at the earliest practicable moment. It would facilitate, of course, consideration of the question of the exchange and its advisability, so far as the national forest service and its economical administration is concerned, if you could designate even tentatively the compact tract desired by the state within the Cascade national forest.

Some Delay Expected. "It seems hardly possible that congress could at this session, in view of the short time remaining before adjournment, enact the required legislation authorizing the department of agriculture to make an exchange, should an exchange be agreed upon. Some delay also is to be expected in securing an early report from the district forester on the list of lands submitted to you, in view of this season of year rendering field examinations, if necessary, somewhat slow and difficult. As soon, however, as the district forester's report is received, which will be accompanied, undoubtedly with suggestions requiring consideration, I shall be very glad to discuss the entire subject of the exchange with Senator Chamberlain of your state."

CITY STREET CLEANING BILL TO BE REDUCED. The city council this morning upheld Mayor Simon in his veto of the annual appropriation for the street cleaning department. The mayor recommends that a reduction of \$25,000 be made in the appropriation of \$300,000 recommended by the ways and means committee. The vote on the veto was 11 to 3 in favor of sustaining.

LOEB DISCHARGES FOUR MORE EMPLOYES. (United Press Leased Wire.) New York, Feb. 8.—Collector William Loeb of the port of New York today announced that four more inspectors and assistant weighers had been discharged for complicity in the plots of the sugar trust by which it swindled the customs. It is believed this is practically the conclusion of Loeb's housecleaning.

SUTTON CASE FROM PSYCHIC STANDPOINT. (Washington Bureau of The Journal.) Washington, Feb. 8.—George A. Thatcher of 335 Thillman street, Portland, has sent Senator Chamberlain a brief written for the American Society for Physical Research on the case of Lieutenant James N. Sutton, the Portland boy killed at Annapolis in 1907. The brief is to be filed with the senate records.

BOYHOOD AND ALCOHOL

There are some things too awful to contemplate—one is the giving of alcohol in the guise of medicine to boys.

We believe Scott's Emulsion is the only preparation of Cod Liver Oil that contains absolutely no alcohol, drug or harmful ingredient of any sort.

ALL DRUGGISTS

REALTY MEN WANT THE TORRENS LAW

Will Send Committee to Salem to Fight Repeal of the Measure.

At the monthly dinner of the Portland realty club held last night at the Commercial club, resolutions were adopted strongly endorsing the Torrens law, an effort for the repeal of which is now being made in the legislature, and another set of resolutions equally strong was passed condemning the senate bill seeking to impose a tax of 5 mills on mortgages. Following this action a committee was named to go to Salem and protest against the passage of both measures. This committee will consist of W. M. Killingsworth, president of the realty board; J. O. Roundtree, secretary; A. B. Slauson, Henry W. Fries, W. H. Chapin, H. W. Goddard and S. N. Steele.

Attorneys John K. Kollock and H. M. Eaterly who were guests of the board, discussed the Torrens law. Mr. Kollock unqualifiedly endorsed the Torrens system of registering titles, declaring it not only satisfactory from the standpoint of the lawyer, but desirable on account of being less expensive than the abstract system.

A rule was adopted fixing the commission for negotiating loans at 2 per cent for a loan of \$5000 or less and 1 per cent for sums in excess of \$5000. Upon invitation of J. B. Yeon the realty board will meet at the Yeon building at 3:30 o'clock this afternoon for the purpose of inspecting the huge structure.

The Judge Tazwell-Mayor Simon contention over the municipal judgeship was scheduled to be heard this afternoon at 2 o'clock in the circuit court. Mayor Simon will present his side of the case, and argue that Judge Tazwell should be removed.

Attorney Thomas O'Day will represent Judge Tazwell. The mayor seeks to oust Judge Tazwell and place J. P. Kennedy on the bench. Judge Tazwell secured an injunction against the mayor from carrying out this action.

World's Youngest Aviator. (United Press Leased Wire.) Garden City, L. I., Feb. 8.—Robert Lawson, 2 1/2 years old, today enters claim to being the youngest aviator in the world. With his father he flew here for several minutes in a Curtiss biplane with Aviator William Hilliard.

Murder Due to Jealousy. (United Press Leased Wire.) Chicago, Feb. 8.—Crazed by jealousy, Jacob Savchenko yesterday afternoon fatally shot his wife and then killed himself in the presence of his three children. He attempted to shoot one of the children, 2 years old, but missed.

BOODLER TELLS OF PHONE DEALS

Former Supervisor Wilson Tells How He Took Money From Both Sides.

(United Press Leased Wire.) San Francisco, Feb. 8.—Evidence in the trial of Theodore V. Halsey of the Pacific States Telephone company for alleged bribery of members of the boodle board of supervisors of San Francisco, was completed today and a jury will get the case before night.

Called to court through a bench warrant, former Supervisor W. A. Wilson testified that Halsey had given him \$5000 in currency to influence his vote against the granting of a franchise to the Home Telephone company. He admitted that upon payment by "Big Jim" Gallagher, for Abe Ruff and the Home Telephone company, of \$3500, he had "double crossed" the Pacific States company and voted for the Home franchise.

FIRST WOMAN CALLED AS JUROR AT PASCO IS RELEASED FROM DUTY. (Special Dispatch to The Journal.) Pasco, Wash., Feb. 8.—Mrs. Sydney VanWinkle of this place is entitled to the honor of being the first woman to be summoned for a juror before the superior court of Franklin county. When called to the stand today Mrs. VanWinkle caused much amusement to both judge and members of the court when she remarked: "Well, I wish some of those women who were so very anxious to secure women's rights had been selected in my place." She told the court she was not very strong and therefore felt that she should be excused. She was later released from jury duty.

LORD AND LADY DECIES TO VISIT PALM BEACH. (United Press Leased Wire.) New York, Feb. 8.—Palm Beach, Florida, will have the pleasure of the company of Lord and Lady Decies during the first week of their honeymoon. The couple whose wedding yesterday in New York was the social sensation of the season, are spending today in a private car to the southern resort. After a week there they will go to the Gould home at Jekyll Island, Georgia, and then return to New York en route for Europe.

Impeachment Instead of Recall. (United Press Leased Wire.) Sacramento, Feb. 8.—Assemblyman Brown will propose a constitutional amendment to compel the assembly to prefer impeachment charges against judges on petition of 25 per cent of the voters. The senate would try the cases, as under the present procedure. He prefers this to the recall of the judiciary.

Colored Murderer Summoned. Raleigh, N. C., Feb. 8.—After a two days' hunt, Lewis West, negro slayer of Deputy Sheriff Sanford, was surrounded by a posse today in a swamp near Ridge Springs. Lewis is armed.

SCHOOL FOR BLIND MAY BE REMOVED FROM VANCOUVER

Girls From State Training School May Be Transferred From Chehalis, However—Other Business.

(United Press Leased Wire.) Olympia, Wash., Feb. 8.—There every prospect that the school for blind at Vancouver will be transferred to the state training school at Chehalis, the girls' training school being sent to Vancouver and the boys sent to the Monroe reformatory.

Arguing that state representation should follow the system in vogue in the national government, Senators Eady and Anderson submitted a plan of apportionment providing for a senate from each county and representatives according to population. The senate, however, rejected the bill, by a vote of 24 to 17 yesterday.

Representative Victor Zednick will introduce in a few days a bill to abolish party lines in all county and state elections. Zednick also plans to wipe out the double contest in the nonpartisan superior court elections. One election and reduced cost of running for office, is the young King county man's slogan.

The house was the scene of an insurgency movement today because a bill putting the charge of state reformatories into the hands of the state board of control was sent to the rules committee and reported back to the house within 24 hours, without going before any other committee.

Representative Clyde Miller, one of 53 men who signed the bill when introduced, moved indefinite postponement. "Neither the advocates nor opponents of the bill had a chance to discuss it in the proper committee," he said.

The bill was passed for third reading. Would Make Monday Holiday. The bill making Monday a legal holiday when a holiday would otherwise fall on Sunday, met opposition today in the house, and though it passed, it failed of enough support to make it an emergency measure.

The senate debated two hours over a bill requiring judges to have lived and practiced in the state six years before being elected. Senator Landon opposed the bill, even after it had been amended to read three instead of six years.

Witnesses detained in jail will hereafter be compensated at the rate of \$1 a day and the regular witness fees for the days that they actually spend in court attendance, according to a bill passed in the house yesterday. There was no legal authority in the past to pay such witnesses anything during their term of detention.

ALTERATION SALE

Worrell's Sample Stock

Best for Less

134 Sixth Street, Corner Alder, Opposite Oregonian Building

We intend to make extensive improvements. The sound of the carpenter's hammer and saw will soon be heard tearing things to pieces. We must give the carpenters the right of way. In order to do that we will sacrifice every garment in the store.

Coats and Raincoats

BLACK COATS, values to \$35, for\$10.00
\$20 FANCY MIXTURES on sale for\$4.95
\$25 RAINCOATS now on sale for only\$9.95

Winter Suits

\$35, \$40 AND \$50 WINTER SUITS for\$15.00

Waists and Dresses

WAISTS—500 Fancy Silk Waists, values to \$10, chiffon and messaline, all colors\$2.98
2000 WHITE LINGERIE AND TAILORED WAISTS, values to \$5.00, at\$1.00
DRESSES, every good style, color and kind, silks, wools, values to \$25, at\$7.95

EVERY NEW SPRING SAMPLE COAT OR SUIT REDUCED

WORRELL'S

134 SIXTH STREET, Corner Alder Street, Opposite Oregonian

6088 Cures RHEUMATISM

Whether it's inflammatory or muscular—chronic or occasional, the time tried remedy will cure Rheumatism. Sixty Eight Eight was originally the name of a prescription given by a doctor in Superior, Wisconsin. It cured the rheumatic patients. So successful was it that the preparation and sale of

6088 SIXTY EIGHT EIGHT

MAZARON JOHNSON CO. ST. PAUL, MINN.

GIVES AWAY MONEY; IS ARRESTED FOR INSANITY

Robert E. Smith, about 45 years old, was taken into custody this forenoon by Patrolman Fred Hepper and turned over to the county court for examination as to his sanity. Smith was throwing his money away. He gave about \$500 away in one saloon. He says he lives at McMinville.

BUMPS HEAD; SUES FOR \$2000 DAMAGES

A bump on the head, sustained by Arthur Farrell, may cost the Portland hotel company \$2500. Farrell started suit for that amount this morning. Farrell alleges the company installed a wooden shed over the sidewalk at Sixth and Morrison streets, and it was upon this shed that Farrell says he bumped his head. The accident happened January 28.