

# RAILROADS LOSE IN FIGHT TO RAISE FREIGHT RATES

Interstate Commerce Commission Checks Movement to Increase Carrying Charges by Rendering Decision.

In deciding against the railroads in the "eastern" and "western" rate case, the Interstate Commerce commission put a check on a general advance in freight rates throughout the United States. This is the opinion of men acquainted with traffic matters and the attitude of the railroads.

The decisions were announced yesterday afternoon and they are the first from the commission under section 15 of the amended act giving the Interstate Commerce commission the right to determine in advance of the going into effect of new freight rates, the reasonableness thereof.

This amendment was the outcome of the famous 1907 lumber rate case, fought so persistently and with success by the lumbermen of Oregon, who were represented before the commission and in the courts by Joseph N. Teal of this city, counsel for the Oregon & Washington Lumber Manufacturers' association and of the transportation committee of the chamber of commerce, the body which has in general charge transportation matters affecting its members and the city.

**Rate Increasing in Effect.**

The effect of the decision is far reaching in that it establishes the right of the commission to pass upon the reasonableness of proposed rates before they are put into effect as was done in the famous lumber case referred to above. In that case the railroads advanced the rate on lumber for eastern shipment to a point where it practically barred Pacific northwest lumber manufacturers from the market east of the Rockies and where they had succeeded in building up a large business on the strength of the prevailing freight rates.

By advancing the rates business in the affected territories was placed at the mercy of competition from other lumber producing districts that in the opinion of the lumber men here was theirs. The lumbermen won the fight against the railroads, but at a very heavy expense, and after having lost a great deal of business during the pendency of the case.

To prevent a repetition of this affair, the interstate Commerce Commission act was amended giving the commission power to pass upon the reasonableness of a rate before it should be placed in effect, where opposition is made.

"The railroads could take the decision before the newly established commerce court, I presume," said a rate expert this morning, "but that's hardly probable since they have failed to make a showing before the commission."

Mr. Teal, in speaking of the decision, said: "The decision of the commission marks an epoch in railway regulation. It is unquestionably right. The basis of the proposed advances were economically unsound, and, except in possibly few instances, unnecessary. Had the commission authorized the advances no one could foresee the final result for, if accepted, the reasons given by the railroad would have justified further and greater advances, which every one knew were contemplated."

"Directly transcontinental rates were not before the commission, but many of the changes proposed would have af-

## Infant Ruler of Uncounted Millions



The baby emperor of China, whose country is threatened by a war with Russia, and the prince regent, holding another member of the royal family.

## DESIRE BROADWAY TROUBLES ENDED

Northeast Side Improvers Will Ask Port of Portland to Lend Assistance.

fected rates to western territory, and, if permitted, would have been used to justify further advances in this territory. The importance of the decision cannot be understood unless one is familiar with the alleged justification for the advances and the operations and earnings of the railroads. It is a great victory for the people of this country and of enormous consequence to every shipper and to business generally, and puts premium on honest and efficient management of railroads."

### Wide Scope of Cases.

The eastern rate case was an inquiry into the advances in charges for transportation in official classification territory, affecting goods shipped from the east to the central west, and hence did not affect transcontinental business. Had the railroads succeeded in establishing this advance, it is held, they would soon have made similar attempts over the entire country.

The western rate case affected rates in Western Trunk Line, Trans-Missouri and Illinois Freight Committee territories and involved over 200 carriers, made parties to the action.

## VALUE OF BLOCK S ARGUED MARCH 7

When Jury Decides It, Owners of Other Half of Block May Settle.

The condemnation suit of the United States against owners of the east one-half of block "S," wanted as a site for the proposed postoffice building, will probably be heard before Judge Bean or Judge Wolverton in the United States circuit court, on March 7.

United States District Attorney McCourt will ask for a jury next Monday. There are a number of cases pending in addition to the government's condemnation suits and as the first of March is the beginning of the new term of court, it has been decided to try these with a jury. The United States attorney will call next week. About 50 men will be summoned for jury duty and will report on Monday, March 6. It is not customary to try cases the first day the jury reports, but Mr. McCourt will make an effort to have the condemnation case set for the day following—which will be one week from Tuesday.

The case involving the east one-half of the block—that owned by Dr. Andrew C. Smith—will be heard first. It is expected that the result of this suit may obviate the necessity of trying the case against owners of the west half—that portion of the block facing Eighth street—and that a compromise may be reached with those owners following a verdict in the other suit.

**\$5000 TOO LITTLE TO SEND CHINA," HIRSCH**

Portland, Or., Feb. 24.—To the Editor of The Journal.—A million girls from the famine stricken districts of China sold into sin and slavery in the better situated localities, according to press dispatches! Yet some of us propose to raise \$5000 in Portland while we are raising \$125,000 for a convention to be held in Portland in 1912.

The writer heartily approves of the \$125,000 fund, but would feel "cheap" if we in prosperous Portland offered but \$5000 toward the relief of sufferers in that terrible famine.

Although never having received as much as one cent from a Chinaman and not expecting to receive anything, the writer will contribute according to ability, and agrees to put in several days soliciting for that needy cause, provided credentials are supplied by some society of some one in authority.

G. M. HIRSCH.

A new Texas Republican association has been organized to combat the rule of Colonel Cecil Lyons, who as national committeeman, state chairman and treasurer, has dominated the Republican party in Texas for many years. The new organization has also declared its opposition to the nomination of Theodore Roosevelt for the presidency in 1912.

**SSS**

to heal, the head is cleared, breathing becomes natural and easy, the throat is no longer clogged, and every unpleasant symptom of the disease disappears. S. S. S. is the greatest of all blood purifiers, and for this reason is the most certain cure for Catarrh. Book on Catarrh and medical advice free to all who write.

THE SWIFT SPECIFIC CO., Atlanta, Ga.

## PILE OF GARBAGE IN TERMINAL YARD

### EVIL ODOR FROM THEM GOES INTO MANY HOMES, A MENACE TO HEALTH.

Evidence that the big railway corporations that use the Northern Pacific Terminal company's yards in the northern part of the city have for years been violating the city ordinances relating to the disposition of garbage and waste was gathered today by City Crematory Superintendent Napier, who made a thorough inspection of a number of odoriferous garbage dumps that are being maintained in the yards a few blocks from the Union depot.

Inquiry from workmen in the yard brought forth the information that refuse and garbage from the dining cars of the O. W. R. & N. company is daily being carted to one of these dumps, and inspection of the garbage heaps showed that the decaying matter is but half burned and then covered over with other refuse and earth.

Vile Smoke Wafted into Homes.

The smoke from these rotten piles is sickening. It is wafted away from the yards into windows of nearby apartment houses and hotels. Complaints from the occupants of the Beaver hotel, Twelfth and Marshall streets, led to the trip of inspection made by Superintendent Napier this morning.

"I will notify General Foreman Osborne of the Terminal yards at once," said Mr. Napier, "that the nuisances maintained there must be discontinued. The railway corporations will either have to destroy this health menacing output of putrefaction outside the city limits, or else deliver it to the crematory.

"I visited a huge garbage dump just north of Northrup street on the property of the S. P. & S. company yesterday, and found the same conditions existing, only on a larger scale. Here it seems that garbage has been hauled by city scavengers. I estimate that not less than 100 tons has been dumped into the big sinkhole during the present winter. It must have been dumped with the permission of the S. P. & S. company, for the watchman employed by that company told me today that he had ordered the scavengers to take their loads elsewhere when they appeared as usual at the dump this morning.

**Schwarzer to Be Arrested.**

"One of these scavengers, George Schwarzer, has been hauling from a ton to a ton and a half of garbage to the S. P. & S. dump for the past six weeks. I shall accuse him of arrest this afternoon. He admitted to the foreman of the city crematory this morning that he was up against it, having learned, I have no doubt, that I had solved the riddle of his disappearance from the sight of crematory employees for more than month."

**COMMISSIONER SAYS RAILROADS' HARD LUCK TALK IS PUREST BLUFF**

Washington, Feb. 24.—One of the members of the interstate commerce commission, who refused to allow the use of his name, said today, discussing the decision:

"The general sentiment of the commission was that the railroads and the interests would endeavor to make the decision seem adverse to business, and thus attempt to verify the predictions the railroad men and their counsel made during the rate hearings. The commission has in its possession facts and figures showing the condition of the railroads, their profits, their resources, their present strength and their possibilities.

"The commission has no fear that the railroads' prosperity is endangered.

"The plain fact is that the railroads did not prove that the proposed increases were necessary, and there was undeniable proof that the present tariffs work no hardship upon them. I believe the railroads will prove more successful during the coming year with the existing tariffs. I am convinced that any appeal from the decision of the commission will prove futile."

A third resolution which will probably be adopted, will recommend that an injunction suit filed by Captain Albert Crowe against the Port of Portland to restrain that body from leasing public water front property to the Oregon Dry Dock company, be withdrawn and that the port agree, without the necessity of pushing the injunction suit to a conclusion, not to make the lease."

"We shall also submit a resolution," said Vice-President North today, "requesting the Northern Pacific Terminal company to build an overhead viaduct from Seventh street to the river's edge, to connect with the west side approach of the bridge. The company agreed to do this a long time ago, but certain east side streets were not vacated for the O. W. R. & N. company and the agreement was never carried out. It is our purpose to induce the terminal company to build this viaduct in exchange for the vacating of streets now held by it without title.

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**FEET SO SORE  
COULDN'T WALK  
DOWN STAIRS**

TIZ CURED HER QUICK

**THINK SHEEPMAN MAY HAVE BEEN MURDERED**

(Washington Bureau of The Journal.)

Walla Walla, Wash., Feb. 24.—Hippolyte Davis, one of the wealthiest and best known sheepmen in the Walla Walla region, a large landowner and well known farmer, was found dead yesterday morning on his ranch 17 miles west of Starbuck, a bullet in his head. Suicide, accident and murder are all three mentioned, but the two latter especially.

Accidental death is the theory held by his relatives and herders, who say he was missing since Tuesday night.

Murder is believed by others who think more of a search would have been made had not there been reason otherwise.

The dead man was 63 years of age and a native of France. He has several brothers in this city and valley, where he has lived for 36 years. He has five children.

**Buy Portland Bank Fixtures.**

(Special Dispatch to The Journal.)

Hillsboro, Or., Feb. 24.—The fine fixtures of the former German American bank of Portland, have been purchased by the American National of this city, and will be installed as soon as the new building is ready. The room here is of the same dimensions as the Portland bank, so that no changes will be required. The vault will be constructed with doors weighing a ton and a half each, with time locks, and all the newest appliances including burglar alarm. The new building is to be built at the corner of Main and Third streets.

**Evil Odor From Them Goes Into Many Homes, a Menace to Health.**

**His Kindness Overpowering Wife, She Leaves Him and He Gets Divorce.**

**M'CURRY TOO GOOD TO BE A HUSBAND**

**Married at Valley Junction, Wis., in 1905. A decree was granted.**

W. A. Parry told the court he went to work early one November morning in 1909 and when he returned in the evening, found his wife gone. He was given a divorce.

Iva M. Christiansen was granted a divorce from Elmer Christiansen on the ground of cruel and inhuman treatment. They were married September 7, 1910, in this city.

Jessie Lyons was given a divorce from Bell Lyons on the same grounds. They were married in 1908.

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### EVIL ODOR FROM THEM GOES INTO MANY HOMES, A MENACE TO HEALTH.

William D. McCurry was too kind to his wife, she told him, and this led to the divorce court, in which he was granted a decree this morning by Presiding Judge Cantenbein. "One time I went home and found her crying," McCurry told the judge. "I asked her what was wrong, and she said I was too good to her and that her conscience troubled her."

The McCurrys were married at Pueblo, Colo., in 1908. After moving to Portland, the husband said his wife began going out with questionable women, and upon one occasion went to Seattle and stayed there two months, working in a department store. Returning to Portland, she went back to live with her husband. A note was left in which she repeated that he had "been too good to her" and that she was going away again. This was July 15, 1910. Nothing has been heard from her since.

E. G. Carpenter told the judge he had not heard from his wife for 22 years. They were married in Bethel, in 1887. She left him one year later and went to Massachusetts. He came to Portland six years ago. A divorce was granted.

Nellie Keating said she married William Keating at San Francisco in 1906. Two months after the wedding, he importuned her to come to Portland to visit a sister, saying he would soon send for her. He has never asked her her only \$20 during their married life.

Myrtle Noble was deserted by her husband at Gate City, Wash., after a married life of two years. They were

recently talking about

**Hair Health**

If You Have Scalp or Hair Trouble, Take Advantage of This Offer.

We could not afford to so strongly endorse Rexall "93" Hair Tonic and continue to sell it as we do, if we were not certain that it would do all we claim. It will. Should our enthusiasm carry us away, and Rexall "93" Hair Tonic not give entire satisfaction to the users, they would lose faith in us and our statements, and in consequence our business prestige would suffer.

Therefore, when we assure you that if your hair is beginning to unnaturally fall out or if you have any scalp trouble, Rexall "93" Hair Tonic will promptly eradicate dandruff, stimulate hair growth and prevent premature baldness, you may rest assured we know what we are talking about.

Out of one hundred test cases Rexall "93" Hair Tonic gave entire satisfaction in ninety-three cases. It has been proved that it will grow hair even on bald heads, when, of course, the baldness has not existed for so long a time that the follicles, which are the roots of the hair, had not become absolutely lifeless.

Rexall "93" Hair Tonic is vastly different from other similar preparations. We believe that it will do more than any other human agency toward restoring hair growth and hair health. It is not greasy and will not gum the scalp or hair or cause permanent stain. It is as pleasant to use as pure cold water.

Our faith in Rexall "93" Hair Tonic is so strong that we ask you to try it on our positive guarantee that your money will be cheerfully refunded without question or quibble, if it does not do as we claim. Certainly we can offer no stronger argument. It comes in two sizes, prices 50 cents and \$1.00. Remember you can obtain it only at The Owl Drug Co., Inc., Cor. 7th and Washington Sts.

If you cannot call, write for diagnosis chart. My offices are open all day from 8 A. M. to 8 P. M., and Sundays from 10 to 1.

**Pay When Cured**

**The Leading Specialist.**

When I have accepted your case for treatment you may look forward to a complete cure, and with the very first treatment the curing will begin. This is pretty definite talk upon what is commonly regarded as an incurable and progressive malady. But I am in a position to speak definitely and positively. With me the cure of men's ailments is not uncertain or speculative at all.

I cure to stay cured. Varicose Veins, Fissures, Hemorrhoids, Kidney, Bladder, Lung and Heart Disease, Appendicitis, Hernia, Inflammation, Arthritis, Rheumatism, and All Chronic Ailments of Men.

Come in and see me. Have a confidential talk and be examined without cost or obligation. I will cure you.

My methods known to MEDICAL SCIENCE successfully treat VARICOSE VEINS, FILMS, NEUROUS AILMENTS, BREAST ALLIGMENTS, KIDNEY, BLADDER, LUNG AND HEART DISEASES, APPENDICITIS, HERNIA, INFLAMMATION, ARTHRITIS, RHEUMATISM, and ALL CHRONIC AILMENTS OF MEN.

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General Debility, Weak Nerves, Insomniæ—Results of exposure, overwork and other violations of Nature's laws.