

CRIMINAL PROSECUTION MAY FOLLOW RULING ON OREGON COAL RATE

I. C. C. Holds the D. & R. G.
Is Guilty of Unjust Rate
Discrimination.

(Washington Bureau of The Journal.)
Washington, Aug. 7.—It will be remembered that some time ago the Interstate Commerce commission reached a decision regarding coal rates from Utah to Oregon, and other points along the coast. The commission held that the rates should not exceed by more than 25 cents per ton the rates to the same consuming markets from mines in the Rock Springs field in Wyoming. The commission, however, reserved for future examination the question as to the right of the complainants, the Consolidated Fuel company and others, to have the through rates extended back over their industrial railroads to their respective mines, some miles from the D. & R. G. tracks. The new findings are now made by the commission as follows:

1. The Denver & Rio Grande Railway company in competing commercially in interstate coal markets, through the operations of a coal company owned by it, not only violates the commodities clause of the act, but is guilty of an unjust rate discrimination against the complainants. In this case the rates apply only from the junction with the industrial lines of the complainants, while they are applicable directly from its own mines on its own branch lines, the latter being operated under general conditions substantially similar to those surrounding the operation of the industrial lines of the complainants.

2. Without entering an order, several forms of relief which the complainants may have under the circumstances of the case are indicated on the report, and the tariffs in question are required promptly to be adjusted in one form or the other, the rate situation as readjusted to be maintained so long as the Denver & Rio Grande competes commercially in interstate markets with the complainants.

Department to Investigate.
But this is not all, for the attention of the department of justice has been called to the violation of this law. The Denver and Rio Grande has two branch lines tapping the coal fields in Utah and used for no other traffic of importance. The complainants have similar lines; but the D. & R. G. also owns the Utah Fuel company, the mines of which its two branch lines were built to serve. The report says:

"The Utah Fuel company has issued \$10,000,000 of capital stock, all of which is owned by the Denver & Rio Grande Railroad company. The latter company also owns practically all the outstanding bonds of the fuel company. The principal officers and directors of the fuel company are officers and directors of the railroad company or of affiliated lines in the same railway system. A substantial part of the output of the fuel company's mines is used by the proprietary railroad company as locomotive fuel, but it definitely appears upon the record that a large tonnage of coal and coke from the mines and ovens of the Utah Fuel company is sold commercially and shipped in interstate commerce in competition with the output of the mines of the complainants.

"These facts, disclosed on the record here, were the subject of comment in our report under the so-called Tillman-Gillespie resolution on the coal situation in Utah and Colorado, published as senate document No. 450 of the Sixtieth congress. We there found, at page 6, that—

"The Pleasant Valley Coal company,

FREE!
Raincoats—Free!

Well Known Merchant Makes
Extraordinary Offer to the
Public.

Having about 100 raincoats in stock and the time being short before leaving for Europe, I will give a raincoat absolutely free with every suit or overcoat. I do this on account of the unreasonable time to sell raincoats. The time will surely come, however, when you will want a raincoat. Get it now free of charge. This is your last opportunity. Only 25 days more to secure a suit or overcoat made to order for half price. I leave for Europe the last of August. Nearly all the summer stock is sold. The most of the woollens left are reliable staples, including serges, piques, vicunas, chevots and tweeds. I want to impress upon your minds that no other merchant tailor can ever afford to sell staple goods at such low prices as these, owing to the fact that I must sacrifice my stock before leaving for Europe. Don't miss this opportunity to secure high grade all-year-around woollens, and in the bargain get a raincoat absolutely free. Remember, you get a raincoat free in addition to following big reductions: \$35 to \$40 suits and overcoats made to order, prices cut to \$24.50; \$42.50 to \$50 suits and overcoats made to order, prices cut to \$29.50.

Guarantee.—Remember, I guarantee every garment I make. Material, fit and finish perfect in every respect. I will reopen a larger store than ever when I return from Europe in the fall. I want your future patronage and will gain it with the mastery manner in which I make clothes. Journeyman Tailors' union label on every garment. Come round to 246 Washington and peep into my windows. A look means a suit or overcoat.

Important.—If you want a suit in a hurry, I will finish it in 24 hours. We have extra facilities for this whirlwind sale. Time is short. Take time for the forelock and grasp this opportunity, where you really get something for nothing. Money saved is money made. Maxwell saves you money. Only 25 days left for the big reductions. Maxwell, the tailor, 246 Washington street, between Second and Third. Twenty years in business. Open evenings until 9 o'clock.

FOUGHT GUERRILLAS IN MISSOURI IN 60'S



George Thomas Hoffman, who died at Sandy Tuesday.

(Special to The Journal.)
Sandy, Or., Aug. 7.—After being in poor health for a number of years, George Thomas Hoffman died suddenly of heart failure Tuesday afternoon. Mr. Hoffman was born in Washington county, Indiana, March 18, 1834. He served three years during the Civil war in a troop which was enrolled to remain in the state to serve against the bushwhackers. He married Miss Emeline Jane Wilson June 10, 1860, the marriage taking place in Addison county, Missouri. They came west in 1874 and located near Sandy, near Marmot, Or., where they lived until last December, when they moved to Sandy. Mr. Hoffman leaves a widow and nine children.

The Utah Fuel company, the Rio Grande Western Railway company and the Denver & Rio Grande Railroad company are one and the same in ownership; that special rates on materials for the Pleasant Valley Coal company and the Utah Fuel company and on coal mined by them had been given, not alone by the Denver & Rio Grande railroad but by other railroad companies; that the acquisition of coal lands by such coal and fuel companies has been attended with fraud, perjury, violence, and disregard of the rights of individuals; that individuals were unable to compete with the coal companies in the production of coal even in those instances where they were permitted to acquire land.

Violation of I. C. C. Act Shown.

"Furthermore, there is shown here a plain violation of the so-called commodities clause of section 1 of the act to regulate commerce. Under that provision in the statute it is manifestly unlawful for the Denver & Rio Grande to transport for sale and commercial use interstate points coal mined by its own operations. If, therefore, the purely technical status of the fuel company be brushed aside, as it must be if the commodities clause is to be made effectual, it is the Denver & Rio Grande that is really mining this coal and selling it commercially in competition with complainants. * * * The railroad company is the immediate beneficiary of the entire profits of the commercial coal business conducted by the fuel company; it is unlawful for a railroad company to transport to an interstate point commercial coal that has been mined 'under its authority or in which it may have a direct, indirect or indirect interest.' * * * We necessarily must take cognizance of the consequences of any violation of the commodities clause when a wrong is thereby done to shippers who are under the protection of the act to regulate commerce. This is the case here. * * * When confronted in a rate case by a railroad company competing commercially, and in violation of law, with independent coal operators, this commission in its order ought to go as far as properly it may, on the record, to protect the independent operators from any injustice in their rates. It is suggested that this is particularly true in this case. The opinion continues: 'Independent operators and all the general conditions are substantially similar, and the branch lines, like the industrial lines, have no substantial traffic other than the output of the mines.'

Complainants at Disadvantage.
"If the situation before us be examined from the point of view of a coal dealer, the complainants are clearly at a disadvantage. In that the group rates move the coal of the Denver & Rio Grande for its entire service. On the other hand, the complainants, taken the group rate only from the junction points, and this rate, when paid by the coal dealer, leaves the complainants without any return for hauling the coal over their industrial lines to the main track of the Denver & Rio Grande. And if the junction-point rate is surcharged by the complainants with the cost of getting their coal to the junction point, the coal dealer must pay substantially more for their coal than for the coal of the Denver & Rio Grande. The principal complainant asserts that the cost of moving its coal to the junction point amounts to 40 cents a ton, and we make a very conservative estimate when we find on the record that it costs reasonably not less than 25 cents a ton. If this amount is added to the group rate, it will suffice to put the complainants out of most of these coal markets; and if the complainants are required, in their competition with the Denver & Rio Grande, to absorb this amount, it will be unduly burdensome. We find, therefore, on the facts shown of record that there is in the present adjustment of rates an undue and unjust discrimination against the complainants.

An undue discrimination being fully proved, the only question remaining for consideration is as to the form of the relief that the complainants shall have. If the rates now exacted on their coal to the destination in question, from the junction points at which the complainants respectively deliver it to the Denver & Rio Grande, be tested by the present rates to the same destination from the Sunnyside mines of the Denver & Rio Grande coal company, we are forced to the conclusion that the rates to the complainants are required to pay are excessive by not less than 25 cents a ton.

All Take Group Rates.
All these mines have been grouped together and take group rates to these markets. The group, however, is a small one and is dominated by the Utah Fuel company, and therefore by the Denver & Rio Grande Railroad company. Under such circumstances it would do

no great harm to break up the group by requiring the establishment of rates from the junction points in question 25 cents a ton less than the Sunnyside rate. In that way the discrimination against the complainants might be eliminated. There are other ways, however, by which the situation may be corrected. On the facts of the case the Denver & Rio Grande may undertake to operate the branch lines of these complainants without charge beyond the group rates.

This would also eliminate the discrimination. On the other hand, under the special circumstances of the case an allowance of 25 cents a ton might be made by it to the complainants under section 15. This course would give the complainants substantial relief. * * *

Under the circumstances we shall not undertake at this time to indicate by an order which of these forms of relief the complainants shall have; but one form or the other must promptly be adopted by the Denver & Rio Grande and maintained by it so long as it continues, through its coal company, to compete commercially with the complainants in interstate coal markets. It may be well to add that it will not satisfy our views as to this situation merely to increase the rate from the Sunnyside mines as the Denver & Rio Grande attempted to do as the result of some questions put to its witnesses on the original hearing of this complaint.

We shall expect the Denver & Rio Grande in the very near future to advise the commission of the provisions that it proposes to incorporate in these tariffs in order to give effect to these conclusions. It must be understood that the violation of the commodities clause by the Denver & Rio Grande will be called to the attention of the department of justice.

FIRST 'BUYERS' WEEK' TO BE HELD IN EARLY PART OF SEPTEMBER

Twenty Thousand Merchants
Invited to Attend Event for
Which Low Fares Prevail.

Twenty thousand direct invitations will go to the merchants of Idaho, Washington and Oregon inviting them to spend "Buyers' week" in Portland, September 1-6.

It will be, in fact, a northwest buying congress.

A fund will be created to care for the expense incurred by visitors by the Jobbers' and Manufacturers' association which has come into being as a subsidiary of the Commercial club. From any point in Portland's trade territory the railroads will grant a fare of one and one-third.

"Buyers' week" will be dedicated first to establishing acquaintance between Portland wholesalers and manufacturers and their customers from out of town. It will also be a week of entertainment. There will be a program for every day—a banquet, smokers, theatre parties, boating trips. Wives of business men will be invited to accompany their

husbands to the city and plans will be made for their entertainment. Nathan Strauss, president of the new organization, said yesterday evening that the wholesalers of Portland will prepare to meet several thousand merchants from the three states during the week.

MUCH TORN-UP TOWN. WILL SOON LOOK BETTER

Independence, Or., Aug. 7.—Paving has started in this city on the contracts let by the city last month. The machinery arrived last week and a crew surveyed Monmouth street Monday. The Southern Pacific track has been torn up for several blocks here, and the company will make its improvements at an early date. New steel rails have been distributed throughout town, and new ties have been stacked alongside of the track ready for placing. The gravel and earth along the railroad right of way has been moved and the street is being lowered to grade. The new track will be imbedded in the cement pavement and uniform crossings arranged for street traffic. Monmouth street is plowed up and the gravel removed to begin the work of paving. A great many men are employed and the city will pave 14 blocks in the residence district this summer. With construction work on Monmouth street in progress, the Southern Pacific right of way being improved, and a new concrete bridge being placed from Main street east to the Willamette river, Independence is in a badly torn up condition.

Three Year Service Passes.
Paris, Aug. 7.—By a vote of 245 to 37, the senate today passed the three year military service bill. It passed the chamber of deputies last month.

Get a 35c Patent Dust Pan FREE With \$1.00 Purchase in the Basement or 4th-Flr. Housefurnishing Depts.—50 Gold Bond Stamps Free to Start Book
25c Summer Luncheon, Including Ice Cream or Dessert, 12 to 2, at 20c
Specials All Day—2-lbs. Oregon Creamery Butter 64c—Fresh Ranch Eggs 25c Doz.

HOLTZ 500

CLEAN-SWEEP SALE

BARGAIN DAY FOR FRIDAY

Tomorrow the Holtz Store will fairly hum with activity again! Five hundred remarkable money-saving bargains go on sale, every department contributing its share to make this the banned hourly event of the year. Space allows us to mention about 50 of the splendid items that await you here. Four hundred and fifty more of them equally as interesting prominently displayed throughout the store. Come tomorrow—it will certainly pay you.

From 8 to 10 A. M.

Women's Stylish Pumps, Values to \$3.00—Pair 89c
Tans, patents, gunmetals. Neat, snappy models, also many new Oxford styles. During these hours, 89c

35c Waistings 15c
From 8 to 10 A. M., Balcony—4000 yards beautiful White Brocade Waistings. Newest styles; 35c value, during these hours, the yard, 15c

35c Women's Vests 19c
Priced Now at 19c
From 8 to 10 A. M., Main Floor—Summer Gauze Vests, to 25 size. Regular 35c value. During these two hours at, each, 19c

65c Corset C'v'rs 39c
From 8 to 10 A. M., Third Floor—Fine Muslin Corset Covers, neatly trimmed. Regular 65c value. During these hours at, each, 39c

Ribbon Rem'ts 10c
From 8 to 10 A. M., Main Floor—Satin and Taffeta Remnants, finest qualities. Value, to 50c a yard. During these hours, the length, 10c

50c Union Suits 33c
From 10 to 12 M.—On the Main Floor—Girls' fine Union Suits, fine, comfortable fitting garments; 50c kind, during these hours, 33c

\$2.75 Blankets \$1.75
From 10 to 12 M.—On the Fourth Floor—Fine cotton Blankets, full sizes. Sold regularly up to \$2.75. During these hours, each, \$1.75

25c Kerchiefs 15c
From 10 to 12 M.—Sheer linen and shamrock lawn Kerchiefs, floral designs, embroidered corners; 25c value, during these hours, at, each, 15c

12 1/2c Hosiery 5c
From 10 to 12 M.—On the Fifth Floor—Children's seamless Hosiery, fine quality; regular 12 1/2c kind, during these hours, the pair, 5c

50c Wash Boilers at 98c
From 10 to 12 M.—In the Basement—Heavy blocked Wash Boilers. The regular \$1.50 qualities, during these hours, 98c

50c Gloves 29c Pair
From 10 to 12 M.—Main Floor—Women's long lisle and chambray gloves. 50c value, during these hours, pair, 29c

59c Rompers at 35c
From 10 to 12 M.—On the Third Floor—Children's gingham Rompers, great variety of colors; regular 59c value, during these hours, 35c

25c Wash Ties 12 1/2c
From 10 to 12 M.—On the Main Floor—Men's fine Four-in-Hand Wash Ties, all colors; reg. 25c kind, during these two hours, each, 12 1/2c

12 M. to 2 P. M.

Main Floor—500 DOZEN MEN'S FOUR PLY LINEN COLLARS, new styles, fine qualities, 2 for 25c kind. Special for the box of six, 39c only.

\$2 Lace Curtains 75c Pair
From 12 to 2 P. M., 4th Floor—500 pairs Nottingham Lace Curtains, 45 inches wide. Many beautiful patterns; \$2.00 value. During these hours, pair, 75c

25c Longcloth 12 1/2c Yd.
From 12 to 2 P. M., Balcony—Finest quality evenly woven chambray finished longcloth. Regular 25c value. During these hours, yard, 12 1/2c

\$2 Back Combs Only 59c
From 12 to 2 P. M., Main Floor—Best quality shell and amber Combs, Barrettes and Braid Pins. Values to \$2.00. During these hours, each, 59c

\$12.00 Dresses for \$2.75
From 12 to 2 P. M., Second Floor—Women's beautiful Foulard Dresses. Many different colors. Slightly handled. Sizes 36 to 36; \$12 vals., 2 hours \$2.75

12 1/2c Gauze Vests for 5c
From 12 to 2 P. M., Fifth Floor—Women's Summer Gauze Vests, with or without sleeves. Values to 12 1/2c. During these two hours, each, 5c

75c Clothes Baskets 43c
From 12 to 2 P. M., Basement—German willow baskets, very strongly made. Sold to 75c. During these two hours, your choice for, 43c

5c Toilet Soap 4 for 10c
From 12 to 2 P. M., Main Floor—Swift and Armour highly perfumed soap. Regular value 5c. During these hours, 4 for 10c

60c Brassieres Now at 39c
From 12 to 2 P. M., Third Floor—Muslin and Batiste Brassieres, beautifully trimmed; also plain styles; 60c quality. During these hours, each, 39c

From 2 to 4 P. M.

Reg. \$12.50 Tub \$5.98
Dresses to Go at \$5.98
Second Floor. A lot of beautiful garments. Many of the new Bulgarian styles included. Great value. Regular \$12.50 Dresses, during these hours, special, \$5.98

To \$3.75 White Voile Dresses, at \$1.49
Many beautiful lace trimmed garments. Sizes to 38. See them, \$1.49

30c Fl'r Matting 19c
From 2 to 4 P. M.—On the Fourth Floor—Best linen Warp Matting; regularly selling for 30c, during these two hours, 19c

25c Toasters at 12c
From 2 to 4 P. M.—In the Basement—Heavy Russian Iron Gas Toasters; regularly sold for 25c, during these hours, special, each, 12c

75c Union Suits 49c
From 2 to 4 P. M.—Main Floor—Men's Fine 4-4-4 ribbed Union Suits, 34 to 44; sold regularly up to 75c, during these hours, 49c

Pure Food Groceries
Large can Hawaiian Pineapple, 1 for, 25c
Rice, per pound, 5c
Large can California Asparagus, 17c
Jellycon, per pkg., 8c

\$12.50 to \$20 Men's Suits at \$8.88

A Clean Sweep for Two Days
Most sensational clothing values of the season. We will not carry over a single summer suit in stock—all are to be cleared out. Take your unrestricted choice of any \$12.50, \$15.00, \$18.00 and \$20.00 suit, Friday and Saturday \$8.88 at



The Holtz Store
"GOLD BOND" TRADING STAMPS WITH EVERY PURCHASE
HOLTZ CORNER 5th & WASH. STS.

From 4 to 6 P. M.

75c Summer Neckwear For Two Hours Tomorrow, at 23c
Low Price of...
Main floor. Elegant assortment of collars and jabots in many styles, special at, 23c

Men's Straw Hats Tomorrow at \$1.39
From 4 to 6 P. M.—On the Main Floor—Cleanup of Straw Hats, all the newest styles, all sizes; reg. values to \$4.00, during these 2 hours at, \$1.39

\$2.50 Hammocks at the Low Price, \$1.79
From 4 to 6 P. M.—Third Floor—Regulation size, strongly woven, fringed Hammocks, many colors; \$2.50 kind, during these hours, \$1.79

\$15.00 Coats \$3.95
From 4 to 6 P. M.—On 2d Floor—Beautiful lightweight Summer Coats, stripes and plain materials; reg. \$15 garments, during these hours, \$3.95

35c Jelly Glasses at Only 24c the Dozen
From 4 to 6 P. M.—In the Basement—4-pint Jelly Glasses, heavy blocked tin covers; regular \$50, during these hours, 24c

35c Ratine Crepe 19c
From 4 to 6 P. M.—In the Balcony—Newest ratine striped Crepe, for dresses, waists, etc.; regular 35c grade, during these hours, the yard, 19c

\$2.25 White Shoes, \$1.00—
From 4 to 6 P. M., Main Floor—Misses and Children's \$2.25 White Shoes, 1 pair for, 98c

Pure Food Groceries
5c Holtz Coffee, in 25c Teller Tea, 25c, pkg. 16c
French-American Potted Beef, per can, 7c
Kipperd Salmon, can 10c