

BUSINESS OF OCTOBER SHOWS THAT SPLENDID CONDITIONS PREVAIL

Monthly Statistics Show No Let-Up in Prosperity That Has Existed for Months.

With a gain of nearly \$6,000,000 in bank clearings, a total of \$800,000,000 in new construction authorized, over \$100,000 in postal receipts, nearly \$1,000,000 in real estate sales and an increase of over \$1,500,000 in the lumber trade, the business of October indicates no let-up in the splendid conditions that have prevailed in Portland for many months. In every line the totals for October are unusually heavy. Some slight decreases are noted, but for the most part and in the more important commercial branches, substantial gains were made over the figures of October, 1912.

Bank Clearings Exceeded \$800,000,000. Bank clearings for the second time in the history of the local clearing house association exceeded a monthly total of \$800,000,000. Postal receipts, while in excess of \$100,000, are only \$15,000 under the receipts for October of last year. This decrease, however, is due to the fact that the receipts of the local office were abnormally high last October on account of the warmly contested political fight then in progress, fully \$25,000 postage being required to handle the printed matter distributed by the various candidates.

October Bank Clearings. As shown by the monthly report of the clearing house, reached the unusually high total of \$827,756.15 as compared with \$58,087,612.82 for the same period one year ago. The gain is approximately \$4,500,000, equaling an increase of a fraction under 10 per cent.

Postal Sales Large. Estimates furnished by the postal authorities fix the receipts for the sale of postage at \$193,547.15, one of the largest monthly totals in the history of the local office.

Costly Lumber Shipments. Foot up for the month in 1913, were 14,570,340 feet. The month's flour exports amounted to 13,184 barrels, compared with 57,093 barrels for the same period one year ago, an increase being approximately 40 per cent.

Exclusive of today, the month's building record is 502 permits aggregating in value \$176,180. More than \$500,000 of this total represent the authorization of new residences.

Nearly 1400 realty transfers were filed for record during the month, representing sales aggregating \$939,314.

Wheat shipments by water for the month show a decrease of about \$90,000 bushels when compared with the shipments for October of last year—the figures being 1,444,725 bushels for the current month and 1,596,458 bushels in October, 1912.

The fact that bank clearings continue to make steady gains, not one loss in the month, is a conclusive proof of the healthy and prosperous condition of the general trade in the Portland territory.

IMPORTANT ISSUE WON BY DEFENSE IN FIELDS TRIAL

(Continued From Page One.)

must be ascertained by the verdict of the jury as to whether or not the person in any proceeding against him under section 1957 can be allowed to set up or prove any private demand which he may have or claim to have against such state, county, town or corporation as a defense to such proceedings or in any way to account for the public money received by him or in his possession.

It was the contention of the defense that they had a right to show what had become of the money, even though they could not set up any counter-claims or offsets.

On the other hand, the state claimed that, under the terms of the language of the statute, when the money had been turned over to the county, their case was complete, and that the question of intention or motive could not be introduced.

District Attorney Evans called for a literal construction of the statute.

In his decision Judge Kavanaugh said in substance:

Judge Kavanaugh's Ruling. "I have considered this question carefully and find it a difficult one to decide. There are very few other statutes like this on the books.

"First, from the standpoint of the state, the statute is a definite rule. The state claims that when it proves that public money has been received and not turned over its case is complete and that the question of intention and motive, if not involved in this construction, has the merit of consistency.

"On the other hand the defendant claims that if the statute is literally enforced a man might be convicted without being guilty of any crime. He might lose public money through an act of God, or other calamity or be robbed and thus deprived of any defense he might have.

"It is the duty of the court to enforce laws as written, and not to legislate. Statutes, however, ought to be construed in the light of reason. I recognize the difficulties in that position. If a public official, charged with safe keeping of money, uses all human foresight and proper care and diligence, he should be allowed to show intent. If the defendant can show to the jury a high degree of care, and

that through some cause, beyond his control he could not make an accounting, he ought not, in the spirit of justice, be convicted. There are civil means of recourse."

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NEW LUMBER RATES ARE SUSPENDED BY COMMISSION'S ORDER

Tariffs Through the Plummer Gateway Held Up as Result of J. N. Teal's Argument.

(Washington Bureau of the Journal.) Washington, Oct. 31.—The Interstate Commerce commission has suspended until February 23, the operation of schedules to cancel through rates applicable to transportation of lumber and articles taking lumber rates from points on the Oregon-Washington Railway & Navigation company's line via Plummer, Idaho, and the Chicago, Milwaukee & St. Paul railway, destined to points located on or reached via the latter road.

This would result in material increases on such traffic when routed via Plummer, on and after October 31, 1913.

The suspension of the through rate on lumber from Portland through the Plummer gateway was the result of the argument made before the Interstate Commerce commission by J. N. Teal, chairman of the Portland chamber of commerce.

The railroad had sought to abolish the gateway, which would mean that local rates between Portland and Plummer and from Plummer to the destination on the Milwaukee road would apply. This, of course, would make a higher sum than the present through rate.

The same question is involved in the case of the Denver gateway. It was said at the office of the transportation committee this morning. The roads are seeking the abolition of both gateways and the putting into effect of the local rates.

usual feature. This was the examination of the presiding judge and one of the jurors who were called to testify to the good character of the defendant.

The first witness called for the defense was Will Wright, state bank superintendent.

"What was the condition of the American Bank & Trust company when it failed, compared with its condition a year before?" asked the judge.

The witness was not allowed to answer the question on the objection of the state to his competency.

The defense then introduced the official bonds of the county treasurer and sheriff.

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FEDERAL JURISDICTION BROUGHT IN QUESTION

Did Government Prove Transportation of Dynamite in Ironworkers' Trials?

Chicago, Oct. 31.—United States District Attorney Charles W. Miller of Indianapolis made a hard fight in the federal court of appeals today in support of his contention that a federal tribunal was the proper place in which to try the labor leaders convicted at the Indiana capital a few months ago of complicity in a widespread plot to dynamite non-union business.

The point the court seemed inclined to raise was whether the prosecution did not make the mistake of building its case on the dynamiting of buildings, over which the courts of the various states where dynamiting occurred would have jurisdiction, rather than on the interstate transportation of explosives, under conditions which violated a federal statute.

"Conspiracy to destroy buildings, you know," pointed out Judge Baker, "is not conspiracy to transport dynamite on passenger trains, in violation of the statute."

"But evidence is not lacking from the record," urged Miller, "that dynamite was illegally transported, and that its transportation preceded destructive explosions. We will show at least 25 specific instances of it, all of them later than January, 1910, when the law became effective."

"All will show that the president of the iron workers' union signed checks to pay for these dynamites, and that the executive board approved the bills."

DEPUTY GAME WARDENS ENCOUNTER OPPOSITION

Two deputy game wardens in Marion county were assaulted yesterday by hunter violators who attempted to arrest, according to advice received at the office of State Game Warden Finley, J. C. Heron was caught hunting on the state capital game reserve at Salem and when Warden J. W. Rosell attempted to take him into custody, Heron drew a gun and ordered him back. Rosell went to town and got out a state warrant and Heron was later arrested by a deputy sheriff and the warden.

C. Chamack of Woodburn was arrested by Deputy Warden Roy Brown for having a young pheasant in his possession, and later offered to beat the deputy up, it is said. Brown took him to town and he was fined \$25 and costs.

ANCIENT BUNCO GAME GETS ANOTHER VICTIM

It was an old bunco game, but it worked with L. W. Duggett of Pomona, Cal., who has been in Portland one month. He lost \$387 yesterday to a couple of men that told him of a wrestling match that had been "fixed." Duggett even went to Vancouver, Wash., to see the wrestling, who quietly and confidentially admitted the match was not to be on the square. With this tip, the California man placed \$387 in the hands of his two friends, who failed to meet him yesterday at the ferry landing. They had agreed to do. Duggett then informed the detectives. One month ago, Duggett met two bunco men, but detectives Swensen and Maloney saved him from placing money in their hands.

HOTEL MEN PLAN TO BOOST THE ROSE CITY

Hotel managers and proprietors of Portland, who met yesterday at the Multnomah for their regular monthly meeting, scored the discriminatory railroad rate provision which enables a traveler from the east to stop at San Francisco and return by way of Los Angeles without extra charges, but requires an additional \$17.50 if a stop is made at Portland.

The managers discussed the proposition of placing a well-informed hotel man in Rose City to represent all the hotels here, with a view of encouraging more travel to Portland and to Oregon. The next monthly meeting will be held at the Portland hotel.

HENNESSY GIVES SORE THROAT AS AN EXCUSE

New York, Oct. 31.—John A. Hennessy, William Sulzer's ex-special graft investigator, summed up Portland one month. He lost \$387 yesterday to a couple of men that told him of a wrestling match that had been "fixed." Duggett even went to Vancouver, Wash., to see the wrestling, who quietly and confidentially admitted the match was not to be on the square. With this tip, the California man placed \$387 in the hands of his two friends, who failed to meet him yesterday at the ferry landing. They had agreed to do. Duggett then informed the detectives. One month ago, Duggett met two bunco men, but detectives Swensen and Maloney saved him from placing money in their hands.

CHAMBERLAIN WIRES WISHES FOR SUCCESS

(Washington Bureau of the Journal.) Washington, Oct. 31.—Senator Chamberlain has wired his regrets for the festive bridge banquet and his hopes that the campaign will be successful in every way.

Chinese Woman Arrested.

Arrested in the rooms over 232 1/2 Flinders street last night by Sergeant Harry Lee, a Chinese woman, a Chinese woman giving her name as Ah Tong was placed in the custody of J. C. Grady, United States customs inspector, charged with having contraband opium in her possession. The woman was under the influence of the drug when arrested and is a confirmed victim. She will be given a preliminary hearing today.

Take Home a Box of Hazelwood Candies

For the family, and be royally welcomed. You can buy it the same day it's made.

The Hazelwood Confectionery and Zacherly's Washington at Fifth Entrance on Alder Ave.

Kelso Expects Fight.

Centrally, Wash. Oct. 31.—In spite of the fact that only 412 are registered for the municipal election to be held at Kelso next Tuesday, a warm fight is anticipated, as the Socialists have a strong and complete ticket in the field.

ARMY ENGINEERS ARE READY TO PROSECUTE COLUMBIA JETTY WORK

Acting Chief Engineer Writes That \$1,000,000 Will Be Enough for 1914.

United States army engineers are all ready to prosecute the work on the north jetty at the mouth of the Columbia river as soon as congress appropriates the \$1,000,000 which the engineering department has recommended, according to advice received this morning at the chamber of commerce from Congressmen Lafferty. Mr. Lafferty incloses a letter he had just received from Colonel Edward Burr, acting chief engineer, which states that the department is all the more ready for hasty action in getting the jetty finished.

The engineer likewise expresses the belief that some solution for the dredging problem may be looked for soon.

Colonel Burr's Letter.

"I beg to acknowledge receipt of your letter of the 15th instant relative to the improvement of the Columbia at its mouth, and in reply I have to inform you that in the annual report of the chief of engineers for the fiscal year 1912 was recommended that an appropriation of \$1,000,000 be made for the next river and harbor act, together with a continuing contract authorization for the completion of the work."

"This recommendation was based on the assumption that the next river and harbor act will not become a law until about the latter part of June, 1914, and that another river and harbor act and sundry civil bill will be passed not later than March 4, 1915."

"Should these recommendations be accepted by congress, this will make \$1,000,000 available for expenditure during the fall of 1914 and will permit of an appropriation in the following sundry civil bill of a sufficient amount to carry on the work to completion with the utmost speed."

"As you are probably aware, work on the jetty cannot be advantageously prosecuted during the winter months, the operations usually closing about the first of December. After the rivers and harbors act passes it will take at least two months to prepare the necessary specifications, advertising the work, make contracts and commence the work of delivering stone, giving the contractor reasonable time to begin work after the contract is made."

"On these assumptions a cash appropriation of \$1,000,000 is all that is required to prosecute the work with vigor during the fall of 1914."

"The question of additional dredging capacity is having serious consideration and it is possible that some arrangement for increasing the rate of dredging will be perfected before next summer."

Federal Jury Reports.

The United States grand jury reported five indictments in Judge Bean's court this afternoon. All five were placed in the secret files as the arrest of those accused has not yet been made.

Porfirio Diaz in Paris; Won't Talk on Mexico

Paris, France, Oct. 31.—President Porfirio Diaz of Mexico arrived here today from Biarritz. He would not discuss the Mexican situation.

Great Sale of Furs

Every scarf—every muff—every coat—every order for remodeling—will bear a special discount from the regular wholesale prices made by us when you buy direct of the manufacturer.

The opportunity you have been waiting for—take advantage of it before this startling offer is withdrawn.

Silverfield's

866 MORRISON ST.

Mail orders filled. Send for Catalog.

Silverfield on your fur label means as much as a check on your silver.

Buy Hot Point Goods Here!

Don't wait until Christmas to give Mother a practical gift. Do it now. With the wonderful Hot Point Electrical Appliances. They lessen the labor of house-keeping by half and make it a most pleasant task—almost a task at all.

"HOTPOINT" Irons for \$8.50

Famous for their guarantee of good service for ten years. These irons are known the World over for their good quality. Price \$22.50.

\$6.50 21 Grillo, fries, broils, toasts and bolls. Now \$5.00.