The Daily Astorian.

ASTORIA, OREGON:

SATURDAY

OF PRESENT INTEREST.

Nor since president Lincolu's emancipation proclamation has any public measure attracted so much attention as the interstate commerce law which has such unsettling effect on the the enforcement of such a rule would regreat transportation interests of the sult in great injury to the commerce of country, and directly concerns every- the country. Discretion was therefore

Section Four is the most prominent and widely discussed of any of the that after the qualifying clause "under provisions of what appears to be a flexible bill. This section Four is really the gist of the law.

Albert Fink, who probably is as well posted on the subject as any tion of the first part of the section as other man in the country, discusses at length the meaning of this most mind, and reading the proviso in connecimportant section.

The first part of section 4 rends as follows-omitting the clause "under substantially similar circumstances and conditions."

"That it shall be unlawful for any common earrier subject to the provisions of no such application be made, the comthis act to charge or receive any greater mission have no cause for action under compensation in the aggregate for the the proviso. transportation of passengers, or of like kind of property, for a shorter than a same direction, the shorter being included within the longer distance."

There could be no misconstruction put specify what circumstances and condishorter than for a longer hauly and we must, therefore, inquire what are the just. different circumstances and conditions referred to which justify an exception to is the correct interpretation of section 4: the general rule.

These circumstances and conditions and short hanls. The law can not mean It can not refer to extraneous matters, as, for example, to the conditions of the weather, whether it rains or snows, or fer to the conditions and circumstances control transportation charges; and the principal elements that control transportation charges are the cost of the service and competition, using the word "competition" in its widest sense-competition with water routes, competition with rail routes, competition between markets, etc. These are the main factors regulating transportation charges, and have countries. It must, therefore, be these reference is had in this clause.

is fixed by water transportation, hardly to suspension by the commission sufficient to pay the railroad the cost of doing the work, without any or without be to produce temporary embarrassan average profit on the capital invested ment to Astoria as to other terminal in the road, the railroad company would be justified in making a lower rate to the station 100 miles distant than it does to the station fifty miles distant, provided. bowever, that the rate to the fifty-mile station is reasonable in itself-not as low as the cost of water transportation would be, but not higher than the cost of railroad operation and a reasonable interest on the cost of the road. The shippers at the 100-mile station enjoy the natural advantages of their location on a navigable river, while those who live in the interior are necessarily under disadvantages. This discrimination exists in the nature of things-it is not unjust; it is not the result of the arbitrary action of the railroad transportation companies, who are compelled to regulate their charges in accordance with the circumstances and conditions of the situation as they find theas. The ratiroad company would prefer not to make the lower charge for the long hand, but to assess the people along the line of the road ratably, according to the distance which ratably, according to the distance which freight is carried; but this is rendered impossible by the very nature of the case when railroads compete with water routes, because of the cheaper cost of the cheap transportation by water than by rail.

In all cases, therefore, where the cost of the service and legitimate composition justify a higher charge for a shorter haul than for a longer, section 4 does not prohibit it, but the charge for the short haul must, of course, come within the restriction laid down in section 1, viz., it must be reasonable and just.

Assuming that this interpretation of the first clause of section 4, down to the proviso, is correct, the question will be asked, what meaning is to be attached to the proviso, which reads:

"Provided, however, that upon applieation to the commission appointed under the provisions of this act, such common carriers may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the common carrier may be relieved from the commission may from time to time pre-

peration of this section of this act." In order to properly interpret the mean

ing of the proviso, which does not seem quite in harmony with the first part of the section, it is necessary to bear in mind that the original bill as reported by the senate committee to the senate did not contain in the first part of the fourth section the qualifying clause, "under substantially similar circumstances and conditions." It made the probibition of charging more for a short haul than for a long haul absolute: but it is obvious that given to the commission, in the proviso, to suspend its operation; but it is evident substantially similar circumstances and conditions" had been inserted by the senate in section 4, there was no longer substantially similar circumstances and enate in section 4, there was no longer any necessity for the proviso, as no further exemption is needed from the operaamended by the senate. Bearing this in tion with the first part of the section, it can only mean that in cases where the circumstances and conditions are similar the commission may relieve the carriers from the operation of the rule when ap plication for such relief is made. Should

The qualifying clause in the fourth section "under substantially similar cir longer distance over the same line in the comstances and conditions," therefore, leaves the determination of whether a greater charge can justly be made for a shorter haul than for a longer under difupon this part of the section, as it is an ferent circumstances and conditions, to absolute prohibition of charging more the judgment of the carriers, in the first for a shorter than for a longer distance; place, to be finally passed upon by the but by introducing the clause "under courts, Section 4, therefore, does not substantially similar circumstances and prescribe a more definite rule than sec conditions" this prohibition is qualified; tion 1, by which the carriers could be and it may be lawful under dissimilar guided in determining in all cases what circumstances and dissimilar conditions are reasonable and just charges. That to charge more for a shorter than for a section might, therefore, have been longer distance. The law does not omitted altogether, as it conveys no other meaning than that which is already tions would justify a greater charge for a expressed in section 1-viz., that the railroad charges shall be reasonable and

There can be no doubt that the above

it fully carries out the intent and object of the law. If the long and short hand must necessarily be such as to legitimate- rule had been made absolute, it is obvious ly influence the relative charges for long that the very object of the law could not have been attained; instead of regulating any other circumstances and conditions, commerce the law would have obstructed it; instead of preventing unjust discrimination it would have created it; it would have stifled competition with water lines whether it is hot or cold, but it must re- and increased the transportation rates; it would have deprived the people of fawhich from the very nature of the case cilities to ship to distant markets. These evils could not have been pre vented by the exercise of the commission's power to exempt the carrier from the operation of the long and short baul rule, because it would have been an impossible task for the commission to investigate and decide the numerous cases that would come before them. The commission could not done so at all times in this and all other exempt any one railroad or line from the operation of the long and conditions and circumstances to which short haul rules without at the same time giving relief to all the other railroads If it can be shown, for example, that it whose tariffs are affected thereby; othercosts a railroad more to carry freight for wise, great injustice would be done both fifty miles over its road than it costs to to railroads and to business communiearry the same kind and quantity of ties. It certainly was not the intention freight 100 miles, this clause would be an of the law to throw the transportation N under and by virtue of a resolution authorization for charging more for the business of the whole country into confifty-mile service than for the 100-mile fusion, which would be the result if secservice; or, if it can be shown that the tion 4 were interpreted to make the long rate to the end of the 100 miles of a road and short han absolute and only subject

> The effect of the bill will doubtless and long haul points, but two facts tend to mitigate any misgivings in our individual case, viz.: we have the advantage of situation, the river and the ocean; and the law itself will be modified if not repealed. It is too sweeping, too arbitrary and too possible of misconstruction and perversion to stand.

A Reliable Article.

For enterprise, push and a desire to get such goods as will give the trade satisfaction, J. W. Conn the Druggist leads all competition. He seeks Dr. Bosanko's Cough and Lung Syrup, because it's the best Medicine on the market, for Coughs, Colds, Cronp and Primary Consumption. Price 50 cents and \$1.00. Samples free.

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Dry Fir Wood; in large quantitie and at lowest prices at J. H. D. Gray

To The Public.

Parties owning lots in the City Ceme

Lowest Cash Price. Coal Oil at \$2.35 a case, at

D. L. BECK & SONS.

A. O. U. W. Members of Seaside Lodge No. 12 are requested to assemble at their ball in Pythian Castle on Sunday evening at a o'clock sharp to march in a body to Ros's Opera. House where services will be held in memory of our lately deceased brother, Father Upchurch.

By order. NATHANIEL JONES, M. W. C. Brown, Recorder.

Meeting Notice.

All members of Seaside Lodge No. 12, A. O. U. W., are requested to be present at the regular meeting of the lodge, Saturday evening at 7 P. M., as Grand Master J. T. Brown and Grand Recorder D. T. Wheeler, and the grand officers will be present. By order. N. Joxes.

C. BROWN, Recorder.

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Annual School Meeting,

NOTICE IS HEREBY GIVEN TO THE legal voters of School District No. 1, Astoria, Clatsop county, Oregon, that the annual school meeting of said district will be held at the school house of said district, to begin at the hour of 7:30 P. M., on the first Monday, being the 7th day of March, A. D., 1887.

The meeting is called for the purpose of electing one director to serve for three years, and one clerk to serve for one year, and the transaction of the business usual at such meeting, J. G. HUSTLER, Clerk District No. 1. Astoria, Feb. 24, 1887.

Dissolution of Partnership.

THE PARTNERSHIP HERETOFORE existing between Wm. Rehfeld and Max Skibbe in the steamer Improvement is hereby dissolved by mutual consent, Wm. Rehfeld retiring from the firm. The business will be hereafter conducted by Max Skibbe who will be alone responsible for all future indebtedness. The bills due the steamer up to and including Jamary 1st, 1887, are to be paid to Wm. Rehfeld who is authorized to receipt for the same. uthorized to receipt for the same.
WM. REHFELD,
MAX SKIBBE,
Astorn, Or., February 21, 1887.

Notice.

AT A REGULAR MEETING OF THE

A T A REGULAR MEETING OF THE Columbia River Fishermen's Protective Union, held on the 1st of March, 1887, the secretary was instructed to cause the following to be made public:

That on and after the date of publication of this notice, the wages of Fishermen working in canneries be \$2.50 per day of 10 hours; also that henceforth, the Union rates for hanging and selvaging a net be \$15, as a whole or for hanging \$9, and for selvaging \$6, and that we hereby notify any and all parties, that no net which has been hung or selvaged by Chinese, will be lished by members of this organization. ers of this organization. By order of the Columbia River Fisher

nen's Protective Union. d-3t GEO, JOHNSON, Secretary. Astoria, Oregon, Mar. 1, 1887.

Notice.

HEREBY GIVEN An under and by virtue of a resolution duly passed by the board of directors of the White Star Pkg. Co., we have appointed and constituted El more. Sanborn & Co. of Astoria, Oregon, our sole and exclusive agents for the sale of the salpon packed by the White Star Pkg. Co., and under the "White Star Brand" packed by sald company during the year 1887.

WHITE STAR PKG, CO.
By O. W. PEDERSON, President.
A. T. BRAKKE, Secretary.
Astoria, Or., Feb. 23rd, 1881.

Price of Boxes.

NOTICE IS HEREBY GIVEN THAT WE 14 the undersigned have established the price of salmon boxes as follows for the season of '87: on boxes, 1 lb, 14 cts, at mill. ered any where t. tween Smith's Point and Tongue Point 14½ cts. To any other point on the river 15 cts. Salmon box Shooks, 1 lb. 12½ cts, at mill; 12½ cts. delivered be-tween Smith's Point and Tongue Point; 13 cts, delivered at other points on the river, Nominal 2 lb. boxes, 1 ct. less. Trays, 10 cents.

Trays, 10 cents. CLATSOP MILL CO., ASTORIA BOX CO., J. C. TRULLINGER. Astoria, Or., Feb. 16, 1887.



D. L. BECK & SONS, Agents.

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Custom Made Clothes

As they can get Better Fits, Better Work Less Money

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BOOTS and **SHOES**.

Genuine English Porpoise Shoes For Gents.

Ladies Flexible Sole Shoes in French, Kangaroo and Dongola Kid Boys and Youths Shoes of all Kinds, Misses and Childrens and Infant heels, and Spring heels. WE DEAL IN BOOTS AND SHOES ONLY.

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Swiss. Holland and New Cream Cheese; Smoked Herring, Holland

Herring, Caviar, Anchovies, Tongues and Sounds, White Fish and Mackerel, Schrimps, Lobsters,

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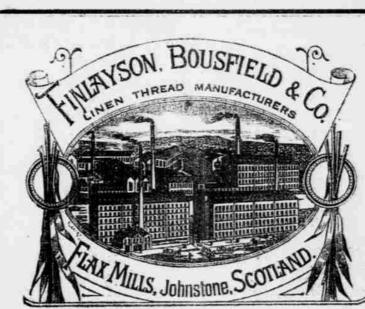
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