

STATE HAS POWER BEYOND LIMITS

Federal Judge Renders Important Decision on Railroad Rates.

FORCES CHANGE OF FRONT

Northern Pacific Meets First Defeat in Minnesota Suit—State Shows by Statistics Reduced Rates Increase the Income.

ST PAUL, Sept. 10.—In the hearing before Judge Lochren, in the United States District Court today E. S. Roberts, attorney for the Northern Pacific Railway Company, asked for leave to file an amended petition in the fight of the railroad against the two-cent fare and reduced freight rates enacted by the Minnesota Legislature. He had admitted that the state had a right to regulate interstate transportation, but argued that in a matter involving transportation beyond the confines of that state, the state had no authority. Judge Lochren heard Mr. Roberts through and then informed him he had no case.

Lower Rates; More Revenue. The Pioneer Press says: "The railroads of Minnesota are deriving a greater business since the two-cent fare went into effect than they did last year upon a 2-cent basis. This contention was made by Attorney-General E. T. Young when the railroad stockholders' rate suit came up for argument and in support of the argument a statement prepared by the railroad commission was presented. This statement shows the passenger receipts of the railroads for May and June, the first two months of the year, and compares the same with the average receipts for two months of last year, or one-sixth of the total for that year.

Entire Minnesota Revenue. May and Two average 1907, 2 cts. 1906, 2 cts. Soo \$23,420 \$23,220 Great Northern 1,252,422 1,252,422 Willmar & S. P. 12,283 12,283 Northern P. & N. W. 12,142 12,142 St. Paul 158,988 158,988 Northwestern 82,166 82,166 Omaha 67,377 67,377 M. & St. L. 70,287 70,287 Chi. & N. W. 46,760 46,760 Rock Island 18,829 18,829

Minnesota Local Business. May and Two average 1907, 2 cts. 1906, 2 cts. Soo \$190,475 \$190,475 Great Northern 283,420 283,420 Willmar & S. P. 28,430 28,430 Northern Pacific 485,296 485,296 St. P. & N. W. 112,142 112,142 S. St. P. M. & O. 185,188 185,188 M. & St. L. 188,108 188,108 Chi. & N. W. 107,222 107,222 C. R. I. & P. 62,124 62,124

Prove New Rates Are Just. "We now are ready to demonstrate to any court, Federal or state, that the reductions in rates made by the state are absolutely fair and just, and that an injunction against their enforcement would be unwarranted. "An examination of the commodity rates now in force shows an appalling irregularity in charges for similar distances, not only as between different roads, but in different localities on the same road. For example, one road charges the same rates for wheat, corn and flax; another charges one-third more for flax than for wheat or corn, and another one-fourth more for wheat than for flax. The rates on coal, cattle, sheep and hogs are in the same condition. Under the new law the rates are exactly the same for equal distances, throughout the state. "Under their claim that the new rates were confiscatory we had accurate computations made. The average rate per ton per mile allowed by the new commodity rate law, which they are seeking to enjoin, is eleven and one-fourth mills. This exceeds the average rate per ton per mile now received by any of the companies on freight for its local or interstate business. The freight receipts of the Chicago, Milwaukee & St. Paul during the year 1906 averaged about eight and one-half mills per ton per mile on its entire road. "From an analysis of their own statements and figures, we will be able to show that the net profits per ton per mile allowed under our new commodity law is greater than that earned on interstate business on most of the roads on the same commodities. "I do not concede that the Federal Circuit Court has jurisdiction under any circumstances to enjoin me as Attorney-General; but on the showing that we make on the facts before me, I do not believe that in these actions the court will issue an injunction at all.

WILL ENFORCE SPEED LAWS Drummers Take Revenge for Exclusion From Limited Trains. LINCOLN, Neb., Sept. 10.—(Special.)—The Union Pacific has refused for over a week to allow passengers between points in Nebraska to ride on its fast Pacific Coast trains east and west, the Overland Limited, Nos. 1 and 2, and the Los Angeles Limited, Nos. 7 and 8. This is regarded by the traveling men as a direct slap at them, and two organizations of commercial men in the state, the T. P. A. and the U. C. T., have joined forces and have pledged for a determined war on the order of the railroad. The first attack will be made through the speed ordinance of Fremont that restricts the rate in the town limits to ten miles an hour. Two engines will be stationed along the Union Pacific tracks at Fremont, half a mile or so apart, to keep the time of trains passing through the place. It is claimed that the ordinance is violated daily. Some of the fast freights do not stop in Fremont at all, but rush through at from 40 to 50 miles an hour. If an engineer refuses to stop on signal, telegrams will be sent to officers elsewhere, and the members of the train crew will be brought back to Fremont for trial. A number of them also live at Fremont. If the engineers find that it means trouble to themselves by going through town faster than the legal speed, they will, the traveling men aver, slow up, regardless of train orders, and the Union Pacific will suffer from the stoppage of its trains and delays. "The railroad officials have informed us that the exclusion order affecting the limited trains was designed to punish us particularly because we took an active part in getting the 2-cent fare bill through the Legislature," said a traveling man. "Therefore we intend to fight back and give the railroad the best battle we can. The lodges of Fremont have \$1000 which can be used for the purpose, if that is not enough the state organization will supply more." After a start has been made at Fremont the same course will be pursued at other points along the line. They are willing to pay the higher fare asked on the limited train and they do not ask for stops except as scheduled, but they want to use these trains if they see fit.

BOYS' SCHOOL SUITS



We are ready with the largest and most complete stock of Boys' School Suits ever shown in this City. Take time this week and visit our JUVENILE DEPARTMENT—the handsomest and most comfortable shopping place in Portland. If you do not find more Suits on our tables than any other store, we will not ask you to purchase. They are all NEW and FRESH—this season's choicest patterns. It is almost needless to say they are MODESTLY PRICED, \$3.45 to \$15.

So that the boys may start off on time, we will GIVE AWAY with each School Suit AN INGERSOLL NICKEL WATCH guaranteed for one year.

Every requisite for school, except shoes, will be found in our stock. Salesmen wanted in every department.

BEN SELLING LEADING CLOTHIER

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THE MORNING OREGONIAN, WEDNESDAY, SEPTEMBER 11, 1907.

ANNULS TWO-CENT FARE LAW

Pennsylvania Court Declares It Unconstitutional—State Will Appeal. PHILADELPHIA, Pa., Sept. 10.—Judges Wilson and Audenreid of the Common Pleas Court today declared unconstitutional the two-cent railroad fare law passed by the last Legislature. The case upon which the decision was made, will be at once taken to the State Supreme Court. The 2-cent law was enacted by the Legislature as a result of agitation during the last political campaign, all parties pledging themselves in favor of such legislation. The railroads, led by the Pennsylvania and Reading, made a strong fight against the enactment, but both branches of the Legislature passed the bill with a practically unanimous vote. The act was to go into effect October 1.

TOYS WITH GOLF CLUBS

TAFT TAKES DAY OF REST IN SEATTLE. Eats and Loafs After Continued Rounds of Entertainment—To Aberdeen Today.

SEATTLE, Wash., Sept. 10.—Secretary Taft visited an army post, inspected the proposed Lake Washington canal route, played golf and was the guest of honor at a brilliant reception by the Rainier Club. That was his program for the day, and he apparently enjoyed every bit of it, especially the golf. After the review of the troops, at Fort Lawrence, the Secretary was taken over the proposed route of the Lake Washington canal, which it is planned will connect Lake Washington, a deep fresh water harbor, with Puget Sound. Secretary Taft had the plan explained to him by United States Engineer H. M. Chittenden. He manifested great interest in it. All afternoon the Secretary loafed, swinging golf clubs leisurely, eating leisurely and resting up after three days of constant entertainment. In the evening the Rainier Club gave a formal reception, with Mr. Taft as the guest of honor. Though he was mentioned in the introductory speech as a candidate for President, he carefully kept away from politics in his following speech, confining his attention to an appreciation of the city and its entertainment here. Tomorrow Secretary Taft will go to Aberdeen, on Gray's Harbor, Washington, and after a brief stay there as guest of the city he will return to Seattle at midnight. At noon on the day following, September 12, he will sail for the Orient on the steamer Minnesota.

WILD MAN SCARES CHILDREN

Eccentric Character Said to Inhabit Woods About Tacoma. TACOMA, Wash., Sept. 10.—(Special.)—Wandering about in the vicinity of the Franklin School at Twelfth and Lawrence streets, wearing a breech clout and with his long, matted hair hanging over his shoulders, an emaciated-looking man was seen yesterday about dusk by several school children. The frightened, children fled for the nearest house, screaming loudly, while the man plunged into the bushes bordering the road and hurried in the opposite direction. This is the second time the "wild man" has been seen in the past few weeks. At each appearance the children have been too frightened to approach the man.

KICKED TO DEATH BY A HORSE

Both Heels of Animal Strike Young Man in Pit of Stomach. CANYON CITY, Or., Sept. 10.—(Special.)—Jose Carey, a young man who resided in this place, was kicked to death by a horse Saturday afternoon at the James Wickizer ranch in Tzee. Both heels of the animal struck the young man in the pit of the stomach, and death resulted in a few hours. The deceased was a native of Whitman county, Washington, and was buried by the local Woodman lodge, of which he was a member.

FIRE CHIEFS IN CONVENTION

Pacific Coast Association in Session at Centralia. CENTRALIA, Wash., Sept. 10.—(Special.)—The 12th annual convention of the Pacific Coast Fire Chiefs association, comprising North Pacific Coast states and Western Canada, is in session in this city and will continue in session the rest of the week. The convention was called to order this morning at 9 o'clock, but immediately adjourned out of respect for

Vote Down Water Bonds

TACOMA, Wash., Sept. 10.—(Special.)—The bond election today resulted in an overwhelming defeat for the \$2,000,000 Green River gravity project. Mayor Wright, who championed the scheme, and the Democrats made the fight a political and personal issue and the feeling became very bitter the past week. The Mayor takes his defeat so much to heart that he declares he will be a candidate for re-election next Spring for the purpose of vindication. The voters refused to approve the issue of bonds by a vote of 1628 to 2736 against.

Got No Pay for Towing

ASTORIA, Or., Sept. 10.—(Special.)—A suit was filed in the Circuit Court today by the Callender Navigation Company against the Westport Lumber Company to recover \$1259.03 with interest at the rate of 8 per cent from Au-

Stranger in Oregon City Jail May Have to Face Serious Charge

OREGON CITY, Or., Sept. 10.—(Special.)—John Buchanan, a stranger, languishes in the city jail, while efforts are being made to lodge a charge of horse-stealing against him. Buchanan was seen tonight in an intoxicated condition. A young man named Worthington, residing near Oswego, reported to Officer Cooke that his horse and buggy were missing from where he had left them, and while they were still talking the missing horse and buggy came up Main street with Buchanan handling the reins. He was at once arrested and placed in jail, but would give no information of himself.

TOOK A HORSE NOT HIS OWN

ton-Walla Walla passenger train. Both horses were instantly killed, the hack demolished and Mr. Vanstykke was probably fatally injured. He was put on the train and taken to St. Mary's Hospital, Walla Walla.

Meet Next Year in Vancouver

VANCOUVER, Wash., Sept. 10.—(Special.)—The next convention of the Washington Photographers' Association will be held at Vancouver. W. C. Emery and J. E. Anderson have returned from Seattle, where they were attending the annual convention of the association. They report that Vancouver was settled upon as the next meeting place for the association. As a further acknowledgment of the worth of Vancouver's citizens Emery, of Vancouver, was elected secretary-treasurer of the association for the three ensuing years.

Rancher Struck by Train

FREEWATER, Or., Sept. 10.—While driving across the O. R. & N track at Bates, four miles Southwest of here last night, J. Vanstykke, a prominent rancher of Freewater, was struck by the Pendle-

Fireman John Jones, whose wife was buried this forenoon.

This afternoon the convention was called to order by Chief Thomas Watson, of Victoria, B. C. Mayor F. H. Miller delivered the address of welcome. Addresses were also delivered by Hon. F. S. Sprague, president of the Commercial Club, City Attorney J. R. Buxton, Mr. Theodore Hess and others.

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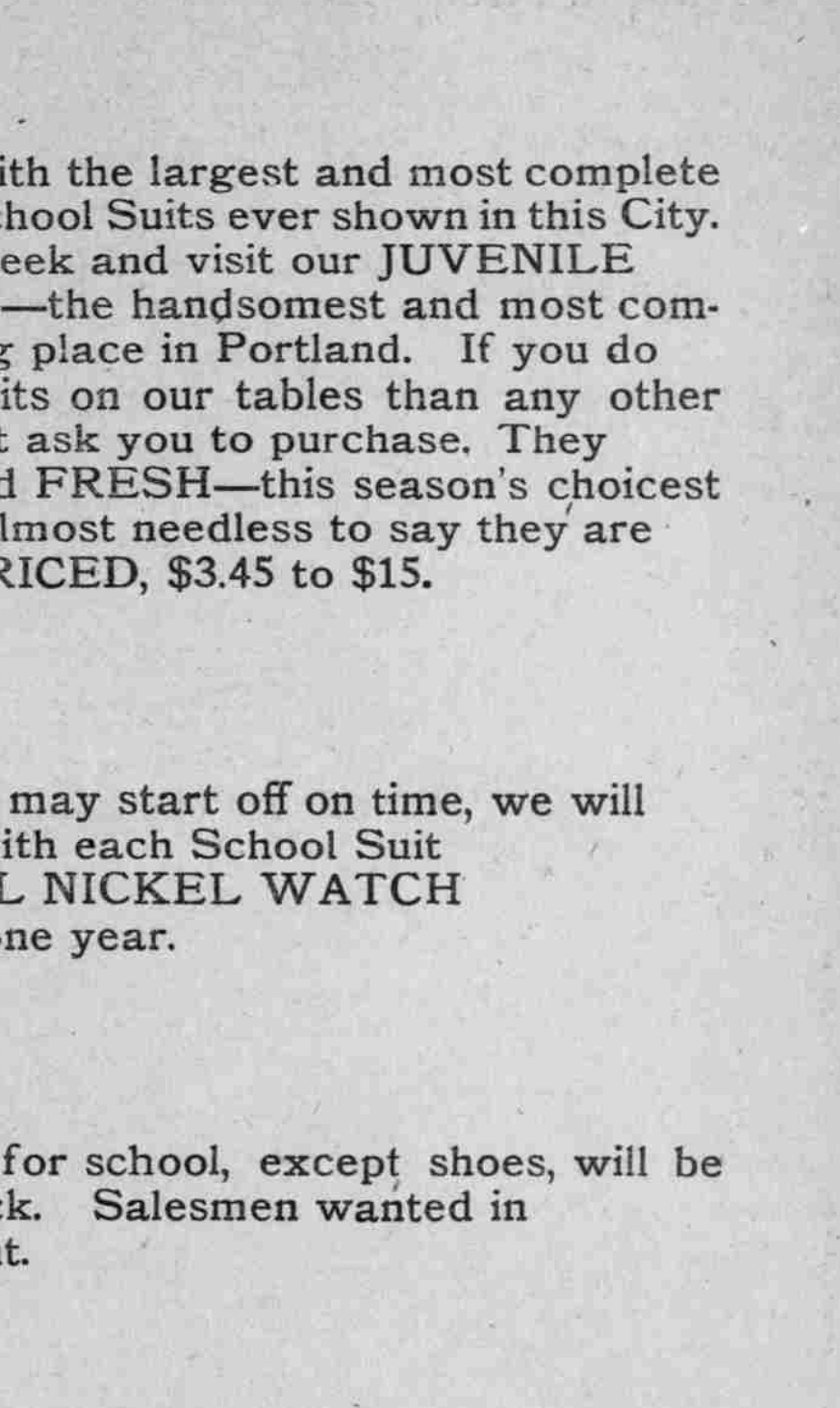
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THE OREGON RIFLE TEAM, WHICH WON HIGH HONORS IN NATIONAL RIFLE COMPETITION.



The Oregon rifle team is assigned to the seventeenth place in the official report of the National rifle tournament at Fort Clinton, Ohio. Their score would have won fourth place for the Oregonians at last year's shoot. Better marksmanship was displayed by every team participating, 48 in all. Oregon finished ahead of 31 teams. The photograph of the team was taken at Camp Perry, near Fort Clinton. The members, reading from right to left, sitting, are: Captain Seltmeyer, Major F. R. Hamlin, Major Hammond, General W. E. Finzer, Captain R. O. Scott, Captain W. M. Denney, Lieutenant George E. Hoveck, Lieutenant White; standing, right to left, Sergeant A. L. Johnson, Corporal G. E. Upton, Sergeant F. G. Stewart, Private B. F. Shields, Sergeant-Major V. S. Howard, Sergeant A. A. Schwartz, Private Alex Ferguson, Sergeant H. H. Petrie, Sergeant H. Dickle, Corporal R. L. Perdew.

SEE OUR PIANOLA WINDOW DISPLAY When You Investigate the Pianola Piano BE SURE TO GET YOUR INFORMATION AT FIRST HAND You are not investigating the Pianola Piano when you see or hear any of its imitators. There is but one place in Portland where you will find the genuine Pianola Piano—and that is at Eilers Piano House. There are many stores, that now offer this or that piano with a Pianola-player built into them—but never the Pianola. When we first told the public about the Pianola Piano there was not a single other of these so-called "Player-pianos" in existence. They have since come into the field in the hope of sharing some of the Pianola Piano's phenomenal popularity. It is the Pianola Piano alone that is made under the most valuable basic patents that exist in this industry. It is a mistake to pay the price of the Pianola Piano—or anything like its price—for an instrument lacking its important and exclusive features. If you buy the genuine Pianola Piano you are assured of getting the one instrument which is the accepted standard all over the world and which even other manufacturers look up to as the leader. The House of Highest Quality. Eilers Piano House. Biggest, Busiest and Best. PIANO, ORGAN AND TALKING MACHINE HEADQUARTERS. 353 Washington St., Cor. of Park SAN FRANCISCO, SEATTLE, TACOMA, SPOKANE, BOISE 40 STORES—CALIFORNIA TO ALASKA