

MILWAUKEE WINS IN HIGH TRIBUNAL

State Supreme Court Denies Railway Company Appeal From 5-Cent Fare.

RATE CASE HARD FOUGHT

Whether Portland Corporation Will Carry Appeal to Supreme Court of United States Is Matter of Conjecture—Josselyn Silent.

SALEM, Or., June 7.—(Special.)—The State Supreme Court, in an opinion written by Justice Sizer, today denied the application of the Portland Railway, Light & Power Company for a rehearing of the case of the railway company versus the State Railroad Commission, known as the Milwaukee rate case.

The opinion handed down today states that the court has carefully examined the able argument made, but finds itself unable to assent to the conclusions of the company's attorneys. The opinion takes up and discusses the various contentions made by the railway company, and concludes with an answer to the contention that the state has no power to regulate fares within the limits of the City of Portland, because that right has been delegated to the city, and also because the city, in granting plaintiff its franchise, has limited the plaintiff to a charge of 5 cents for any single fare, in one return direction, within the City of Portland.

Assuming that these claims are well founded, still we do not see that the order of the commission attempting to regulate fares within the City of Portland, for it operates only upon traffic reaching or extending beyond the boundaries of the corporate limits.

Attention is then called to the grants of power contained in the City Charter of 1893 and the Revision Act, passed in 1907, and the conclusion is drawn that "the distinction is clear and obvious."

Any statement as to whether the Portland Railway, Light & Power Company would accept the decision of the Supreme Court in the Milwaukee case is withheld by President Josselyn, of the road, who has received a copy of the full text of the opinion and consultation with the company's counsel.

Mr. Josselyn said, however, that his understanding of the order of the Railway Commission was that the company must cease the alleged discrimination against Milwaukee, and that the order might be complied with by raising the fares to Mount Scott, St. Johns and Lents. Mr. Josselyn said also that it was the intention of the order requiring the establishing of a 5-cent fare to Milwaukee, if put in effect, was an attempt to force the company to carry passengers free beyond the city limits, and in that respect attempted to appropriate rights guaranteed by the Federal Constitution. This contention may be made the basis for an appeal to the United States Supreme Court.

Leading Is Pleaded. Hermann Leading, secretary of the Milwaukee citizens' committee, that prosecuted the case against the company, is very much pleased over the outcome, and predicts that it will result in greatly increased traffic and rapid settlement of the territory embraced within the present 10 and 15-cent fare limits on the Oregon City line.

Mr. Leading also predicts that the decision will bring about a reduction in the fare to Oregon City to 15 cents. Speaking of the possibility of the company advancing the fares to Mount Scott, St. Johns and Lents, instead of reducing the fare to Milwaukee, Mr. Leading asserted yesterday that predecessors of the Portland Railway, Light & Power Company had large holdings of property in the three districts and had sold lots to many home-builders under a contract that a 5-cent fare would be maintained.

Fair Return Shown. Mr. Leading also asserted that the Milwaukee committee had introduced testimony before the State Railroad Commission showing that the traffic from the districts mentioned was providing a fair return on the investment of the railway company, and that the company would find a stumbling block in the Railroad Commission if an attempt were made to raise the rates. The 5-cent fare to Lents, also, he says, is required by the franchise originally granted the Portland Railway Company.

It is the contention of Mr. Leading that the company will not be able to secure a writ of error to the United States Supreme Court for the reason that the Federal question involved was not raised until the petition for rehearing in the State Supreme Court was filed. He insists that such tactics indicate an attempt to indefinitely prolong litigation, which is no longer permitted by the court. The decision of the Supreme Court, if accepted at once, will make it necessary for the Portland Railway, Light & Power Company to refund to holders of rebate slips \$10,000 to \$15,000.

Contest Began in 1907. The attempt of the citizens of Milwaukee and Oak Grove to secure lower suburban railway fares has been in litigation since shortly after the creation of the Railway Commission in 1907. The railway company has refused to force a fare of 5 cents to Lents, Mount Scott and St. Johns, but maintains a tariff of 10 cents to Milwaukee, and 15 cents to Oak Grove, without transfer privileges in Portland. A citizens' committee, organized in Milwaukee, complained to the Commission setting up the contention that Milwaukee had been unjustly discriminated against when fares to that point were compared with those to other suburbs of similar distance. The Railway Commission decided the case on the basis of location, declaring that Milwaukee was entitled to a rate of 5 cents with transfers, and Oak Grove to a fare of 10 cents, with transfers.

The controversy was then taken into the courts and was heard by Judge William Galloway, of Marion County, in 1908. Judge Galloway upheld the order of the Commission, but upon the railway company executing a bond for \$10,000, granted an injunction restraining the putting into effect of the Commission's order, pending an appeal to the State Supreme Court.

The Supreme Court heard the case in November, 1909, and on December 21 of that year affirmed the decision of the lower court. The opinion of the court was based upon the fact that the company had been carrying passengers for 5 cents and giving transfers to and from city lines. It was held that the charging of 10 cents to Milwaukee and 15 cents to Oak Grove was discriminatory.

ROSEBURG FORMS GOOD ROADS CLUB

Douglas Citizens, After Hearing Eldridge and Webster, Decide on Action.

METHODS ARE EXPLAINED

Portland Speaker Dwells Particularly on Necessity for Organization and Advice Is Promptly Followed Out.

ROSEBURG, Or., June 7.—(Special.)—The citizens of Douglas County went on record today in favor of the improvement of its highways, and, as an appropriate preliminary to the contemplated good roads campaign, performed the formation of an organization to be known as the Douglas County Good Roads Association.

The organization was perfected through the efforts of M. O. Eldridge, of Washington, D. C., and Lionel R. Webster, of Portland, each of whom addressed a crowd that taxed the capacity of the Star Theater. Mr. Eldridge spoke of the benefits of good roads and the proper manner of constructing them. Lantern slides were used to illustrate the numerous points brought out by the speakers, and the contrast between good and bad roads was clearly drawn. One series of pictures illustrated the effect of good roads on schools in the rural districts, while another tended to evidence the commercial benefits attendant to good roads.

"Passable highways and good schools go hand in hand," said Mr. Eldridge, "and without either you cannot be prosperous." Methods of building dirt roads, proper location of roads, the contrast between good and bad culverts and bridges and the method of right construction were illustrated in a forcible manner.

Judge Webster dwelt particularly upon the necessity of organization, saying that without unity all effort would be lost. He also spoke briefly relative to financing road work and legislation that is desired in the state, and explained the usefulness of constitutional amendment by which counties so desiring may, at option, borrow money for the purpose of improving their highways. He also advocated the establishment of a state highway commission under whose supervision all road work would be done, as well as the passage of a convict labor law whereby all prisoners may be assigned to road service when desired. He said that the convict labor law would not only aid the counties materially in building roads, but would also have the effect of clearing the state of an undesirable class of travelers.

Messrs. Webster and Eldridge are en route north and will hold several meetings at points between here and Portland.

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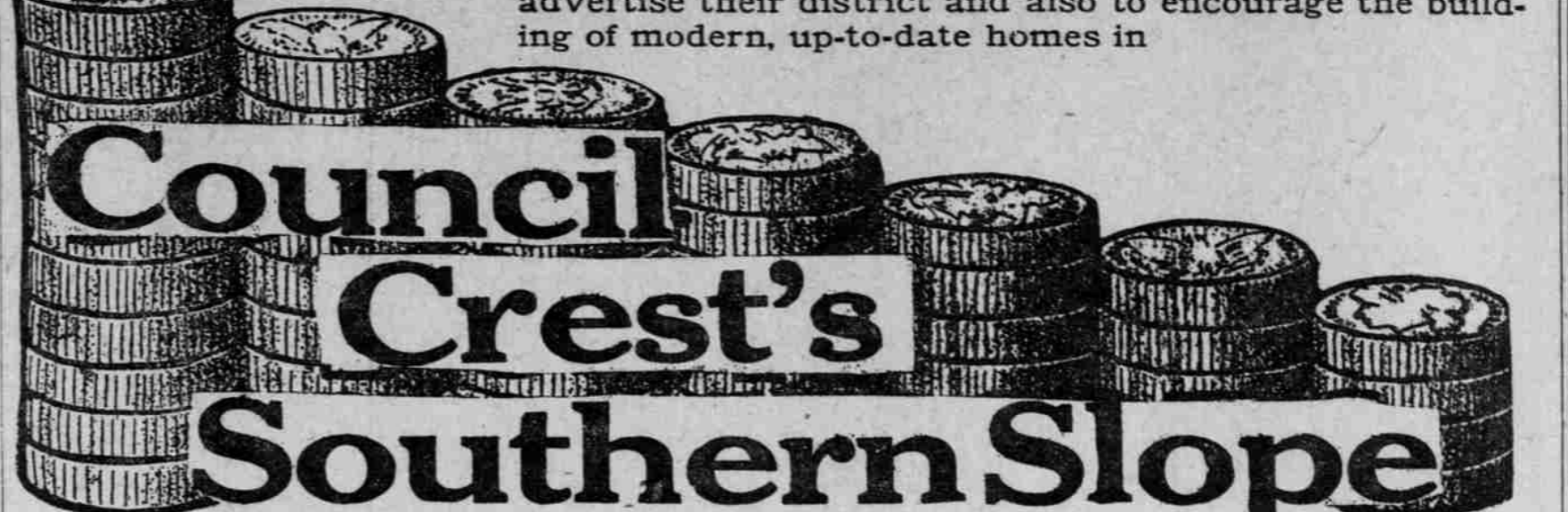
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in Spanton Co.'s windows, 269 Oak street. Take a ride up to Council Crest and enjoy the invigorating atmosphere, the magnificent natural panorama spread out before you, and at the same time inspect Portland's most superb residence district.

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Our easy terms of 10 per cent down, 2 per cent monthly, will enable you to hold your lots a year, sell out and double your money long before final payment is due. You speculate on your credit. Take "Council Crest" car. Automobiles in attendance.

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122 WILL BE GRADUATED

CORVALLIS CLASS TO BE LARGEST IN COLLEGE HISTORY.

Many States Represented, and One Hindu Studies for Advanced Degree in Engineering.

OREGON AGRICULTURAL COLLEGE, Corvallis, Or., June 7.—(Special.)—The largest class ever graduated from this college will take degrees today. At this time 122 young men and women will take their bachelor of science degrees and five will receive advanced degrees.

In numbers the young women from the School of Domestic Science and Art lead the list with a class of 24. The School of Agriculture comes next with 22, then the electrical engineers with 19, the civil engineers with 15, commercial, 12; mining engineers, 11; pharmacy, eight; mechanical engineering, six; forestry, four.

Most of the graduates are from Oregon, but many other states are represented, several of the graduates are from California, Washington and Idaho, and some from the Eastern states. Muk Raj Sain is a Hindu. He will take the advanced degree of electrical engineering.

Following are the names of the graduates: Bachelor of Science in Agriculture—Harry Adams, Elmer Leland Clark, Chester Morton Cross, Alexander William Dodge, Fred Samuel McCall, Jay Merritt Reynolds, Leland Robert Scott, George Henry Sorenson, Leighton Jay True, Bohna Nath Pande, Raymond B. Seely, Frank H. Brown, Larry Brethaupt, Clarence C. Dickson, Carl Francis Galligan, Perry McAlexander, Max Adair, Ralph Waldo Benson, Fred Harland Roberts, Frank Benjamin Steen, James Jay Thompson, Carl Howard Schartow, George E. Zimmerman.

Bachelor of Science in Domestic Science and Art—Frances A. Allen, Gertrude Edwards, Anna Leta Edington, Agnes Maud Cooper, Thelma E. Johnson, Esther Vestal Leech, Beale Florence Parsons, Emily Fern Hendricks, Mabel Rae Snow, Laura Elsie Van Deusen, Elizabeth Connel, Mary Edith Carr, Beulah Gustavia Gilkey, Bertha, Emma Hendricks, Estelle Jackson, Gertrude Jay, Katie Mayzel Ridgeway, Alvinia Romm, Thelma M. Taylor, Leona M. Wilson.

Bachelor of Science in Mining Engineering—Albert George Abendroth, Malcolm Robert Cox, Harry John Evans, John Armour Melendick, Donald Hickey Rowe, Glen Kenneth McKenzie, Eric Eugene Brown, Edna Stephen Dixon, Siegfried Maurer, Edgar George Pickler, Frank Wilson Thompson.

Bachelor of Science in Electrical Engineering—Lalmer Robert Booth, Harry Davis Newman, Fred Everett Ewart, Wallace Goetz, Everett Monroe Billings, Chloé Allen Burr, Vincent Paul Ginnella, Wayne Carl McLagan, Russell Harrison Fleener, Howard Minor Propst, Joel William Powell, Roy Eugene Rawson, Lester Eugene Stutz, Floyd James Williams, Julius Johnson, John C. Plankington, Frederick Eugene Perrot, Edgar Adolph Johnson, John G. Ginnella.

Bachelor of Science in Commerce—Edith Hazel Caswell, Mary Louisa Davis, Frances Houston, Frederick Emmett Mott, Irene Provance, Edelson Blaine Stanley, Bertha Leona Cramer, Minnie Diven, Leola Barton Howey, Gertrude Elizabeth McHenry, Ivy Cecil Peterson, Arthur M. Weatherford.

Bachelor of Science in Pharmacy—Frank Elmo Carrol, John Frederick Kettler, Frank Moore, Walter Earl Sears, Lyle Vallington Hendricks, Robert Henry Davidson, Gordon Nordon Rosendorf, William Thomas Stratton.

Bachelor of Science in Forestry—Harold Dekker, J. Thurman, Francis Albert Wilson.

Bachelor of Science in Mechanical Engineering—Henry Edgar Brown, Frank Lines, Carl Clifton Titus, Otto Karl Blackaba, Donald Dickson Marsh, Edwin Wheeler Wallace.

Bachelor of Science in Civil Engineering—Edmond Dewitt Calvin, Wren Clarence, Alvin Finlay, Torrey Lynn Austin, Robert Nelson, Adolph Harry Schmidt, Owen Harwood, Robert Robert Davison, Frank Wood Connel, Howard C. Cunningham, Joseph Allen Ganson, Howard O'Connell, Charles Percy Richards, Richard William Skibbe, Chester Andrus Vincent.

Bachelor of Science in Agriculture—Glen DeHaven.

Electrical Engineer—William Harling-Davolt, Muk Raj Sain.

Master of Science in Domestic Science and Art—Vesta Kerr.

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FISHERMAN LOST ON BAR

Life-Saving Crew Rescues Companion Who Is Nearly Dead.

ASTORIA, Or., June 7.—(Special.)—Haiki Pakkala, fishing for the McGowan Cannery at Irwaco, was drowned this morning on the Columbia River bar. The lookout of the Cape Disappointment Life-Saving Station saw the boat capsized about one and one-half miles west, between the Lightship and North Head. An alarm was sounded and the life crew, commanded by Captain Stuart, master, and some of the crew, before their arrival Pakkala had drowned.

A. Santori, captain of the boat, was rescued while clinging to the bottom of the boat. He was almost dead from exhaustion when taken out of the water. The life crew also recovered the boat and net.

OLD NOTE BOBS UP

Farm Nearly Lost Through Obligation Made in 1874.

TRANSFER PROVES TIMELY

Israel P. Putnam Sells to Son in Time to Save His Property. Original Debt of \$300 Now Amounts to \$2444.37.

BUSINESS MAN IS MISSING

Tacoma Man Suddenly Disappears From Home and Office.

TACOMA, Wash., June 7.—(Special.)—Henry T. Bona, aged 62 years, secretary and manager of the Eastern Manufacturing Company, has mysteriously disappeared and thus far the police have been unable to find a trace of him.

He lived with his wife and son on Sixth avenue, and left home Monday for his office, and has not been seen since. No cause can be assigned for his desertion of his family and business.

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Witness Tree to Be Removed.

VANCOUVER, Wash., June 7.—(Special.)—The historic old Balm of Gilead witness tree, which fell into the river last year, and the trunk of which, stripped of every branch, has been lying in the water since, will soon be a thing of his-

tor and memory. The Council has granted permission to Rector & Daly, contractors, to remove the trunk to clear that part of the Columbia River bank, to make a place on which to unload scoops of sand and gravel. Two large blocks will be cut off and these will be for the public library will be made.

In November, 1909, Martin D. Pollett brought suit against the elder Putnam to collect the money with interest, and about January 1 he secured judgment against Putnam's farm, the court not knowing that he had sold it to his son. A writ of execution was served and the farm was advertised to have been sold February 12, but Charles Putnam, who had bought the farm, and failed to record the deed, filed suit asking for a restraining order, and making him the sole owner, removing the cloud on the title.

Pollett answered, alleging fraud in the transfer. Judge McMaster, in passing on the case, said that as Pollett had not brought action to get possession of the land, as I. P. Putnam's home now is a homestead, it is exempt, and the note made 36 years ago back in Ohio is still unpaid.

Had Putnam recorded the deed when the transfer was made, Pollett could not have brought action to get possession of the land. As I. P. Putnam's home now is a homestead, it is exempt, and the note made 36 years ago back in Ohio is still unpaid.

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New Light Plant to Be Built.

SUTHERLIN, Or., June 7.—(Special.)—The Sutherland Land & Water Company is about to begin work on the construction of an additional electric light plant for the town.



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Parked streets, cement sidewalks and curbs, 20-foot building line, \$2000 building restrictions, no stores, no shacks, enchanting view of mountains, beautiful shade trees, Bull Run water to every lot.

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