From Our Rubber

Goods Department

Douche Pans, Rubber 40 Nipples ... 40

Raymond Com-

plexion Cream

For heautifying and preserving the complexion and skin—contains no harmful ingredients. Comes in white and flesh 35c

Try It. We Guaran-

tee It to Be the Best.

\$4 Matting Suit-

cases \$2.49.

\$2 Hair Brushes

Fiberloid Military Hair

Brushes on sale \$1.69

REGISTERED PHARMACISTS

only work in our prescription de-partment and have no other duties to perform whatever. Their entire time being devoted to the filling of prescriptions.

Nursing 40

Breast 230

Pacifiers 80

Adhesive Plaster, 7c yard rolls... 7c

Finger 4c

CITY URGED TO BE READY FOR CONAL

John Barrett Advises Trade to Prepare by Proper Legislation.

\$1 TOLL IS RECOMMENDED

Speaker at Commercial Club Banquet in His Honor Extels Portland and Declares All Coast Must Know Ditch's Benefits.

canal. That decision places Portland purely, as it were, upon her marita, and compels her to endeavor more than she saver done before to benefit by her remarkable location on tide water and at the point where she can reach most cheaply and directly a vast and resourceful hinteriand. I have been deeply impressed in my recont trip up this coast with what fan Diego, Les Angeles, has Francisco and Oakland are doing in preparation for the opining of the canal. The large sums of money which they are planning to expend in improvements of their harbor facilities show that Periland will have plenty of competition, and, correspondingly, what I now see Portland is doing shows that she is going to be ready to meet that competition and get her share of the commerce of the Pacific Ocean and the Pansana Canal.

In this connection I recommend your most hearty co-operation in making the Pansana-Pacific International Expection at San Francisco, and the Pansana-California Expection at San Prancisco, and t (Continued From First Page.)

You have been regaled through your en-lerprising newspapers and magazines with the advantages that must be derived from the Panama Canal, and I shall not there-fere elaborate upon them in detail. The

the advantages that must be derived from the Fanama Canal, and I shall not therefore claborate upon them in detail. The one purpose of my argument is that you may get ready so that those advantages will be a reality and not a phantagy. What you have done for your pert in deepening hars and river chansels and what you will do for terminal facilities, you yourselves fally understand, and I will not say more concerning them, but there are other most important every that must be taken by Portland and Oregon and your commercial organizations that the preparation for the canal may be complete.

The action that I recommend has two different these of procedure. The first has reference to the grave necessity of lumediate, practical legislation by Congress for the administration of the earnal after it is completed. The second requires such independent and co-operative effort of your commercial organizations and of your individual business interests as will cause them fully to be acquainted ahead of time with the new conditions of commerce and trade which will result from the opening of that waterway, and enable them to build up rapidly the expert and import business of this port and section.

Under the head of "legislation," I urge apon the commercial organizations of the pushings interests of Portland that they be ready to bring all pressure possible upon Congress at Washington to pass, as its first duty after assumbling in the camber, one of the bills approved by Colonel Geethals, which will provide for the successful administration of the completed esnal.

Excitation is Urgent.

Legislation Is Urgent, Legislation is Urgent.

There are no politics involved in this is the others in no fight between Republicans and Bemberata, no issue between Fragressives and Stand-patters, but with a Fresidential political election coming on and with legislation like the reciprocity bill and the tariff occupying the center of the stage, Congress has a tendency to overlook or neglect the crying necessity of now fixing by law the administration of the canal, as that not only Colonel Goethals but the may know easethy what are the conditions they must meet when merchant vessels shall pass through the canal from sea to sea. It will be impussible to run the canal efficiently and economically unless there can be a proper period of training. It would be the height of folly to spend \$500,000,000 diaging the canal and then open it without trained and sattled efficiency for its operation. Millions of dollars may be less to this Coast and to the United States simply through delay in enacting the necessary legislation for the administration of the canal.

per through a coay in emercing his necessary legislation for the samilarisation of these, your commercial organizations should be ready to adopt resolution and use their influence at Washington. The first is the determination of the tolls on shipping teninage not to exceed \$1 or \$1.50 a nat ton. Unless steamship companies and the great commercial interests of the world knew in the near future that the charge a ton will not exceed these amounts, they cannot possibly make the preparations which are necessary for the validing, the purchase and operation of viscole, or for the suchange of trade which the canal should accomplish. The second is the provision that there shall be "one-man power" upon the Capal Zone, or, in other words, that the same effutency which has been shown in the construction of the canal should be continued in its operation. Third is the announcement of the fact that the United States, as a Government, will absolutely own and control the cealing, the olling, the repairing, the docking and the general supplying facilities of shipping which will use the canal.

the canni.

It would be most unfortunate if the operation of the canni were handleapped by any private monopolies or by any influence of private interests.

Vast Benefits in Store

Vast Benedits in Store.

Now considering action of your commercial and husiness interests saids from influence on National legislation, it is highly important that this club and similar organisations, and that individual exporting importing and manufacturing firms should take active steps to acquaint themselves faily by direct investigation with the conditions of demand and supply in the new field which will be opened up, or quickened in its industrial and commercial development, by the opening of the Panama Canal. Under this head I empinasize to you that the benefits of the canal will not merely be derived from shipping through it, but from the new life and prosperity that will come to the sections of the United States and other countries which will have through it a new avenue of water approach.

From California south to the Straits of Magalian reach 5000 miles of Latin American Pacific Coast line, which under the influence of the Canal, will enter upon a new period of malerial and trade progress, and which will offer opportunities which you have never appreciated in the past of providing a market for your products and of supplying raw materials that your present and future manufacturing industries will require.

The Pacific coast of the 12 countries on

quire.

The Pacific coast of the 12 countries on the West Side of Latin America siready, in its isolated position, conducts a foreign commerce valued at \$600,000,000. This will grow to \$1,000,000,000 and more within five years after the canal is opened, and of this you must prepare to get your share. There is also the east coast of Latin America much of which will be brought closer to you by the canal.

by the canal.

The total value of the foreign commerce The total value of the foreign commerce of all Latin America reaching from Mexico and Chale couth to Argentina and Chile last year exceeded \$2,000,000,000. This magnificant total represents moreover, an increase of over Ito per cent in the last ten years—a record surpassed by no other group of countries in the world, and yet we have been in the habit in the past of minimizing it.

Your opportunities with Japan, Russian Asia, China, the Philippines, India and Australia are great and important and should not be neglected, but there can be no more feelish policy than to become so absorbed with them that you overlook the vast field to the south of you and especially that portion berdering upon the Pacific Ocean.

Junket South Suggested.

Junket South Suggested. Among the practical steps which the com-mercial organizations of Pertiand can take is one which I most earnestly recommend, and that is co-operation with the other commercial organizations of the Pacific Const is planning and carrying out an ex-cursion of representative man to the coun-

year I prophesy that it will be one of the most practical influences that you can initiate in preparation for the Panama Canal. The commercial organizations of the principal cities of California have already expressed to me their approval of this idea and now I hope that Portland will not hesitate to join with them.

"Prepare" Last Word.

In conclusion let me, as one who has a keen personal interest in this city and section, tell you that the Pan-American Union, of which I have the honor to be the executive officer, stands ready to give you every facility and co-operation within its power in your efforts to prepare for and take advantage of the Panama Canal and build upyour Pan-American commerce. That institution is maintained by all the American republics, including the United States, for the purpose of developing commerce, triendship and peace upon the Western Hemisphera, and it belongs to Portland and to Oregon, just as it does to any other city and state of the United States or to any other city and state of the United States or to any other city and country of our sister republics.

other city and country of our sister republics.

In thanking you for the hospitality and kindness you have shown me tonight I wish to reciprocate by impressing upon you that the latch string of the Pan-American building—the home of the Pan-American Union in Washington, recently completed and said to be the one structure which combines beauty and utility more than any other public ediffice in the United States—is locose not only for every man who hears me tonight, but for all whe may be interested in extending the prestige and commerce of this Nation, and, when you shall pass its pertain you will find me ready to give you a cordial welcome and to supply you with any information within my power.

In hidding you good-night and in thanking you with all my heart for the hearing you have given me. I urge upon you again to make your tocsin, "Get ready for the Panama Canal."

Those sitending the dinner wore:

Those attending the dinner were:
Edward Cookingham, Frank A. Coffin.
H. Beckwith, Frank B. Irvine,
John Barrett, A. L. Fish,
Theodore B. Wilcox.
Course Fety.
Charles E. Wolverten, J. L. Wallin.
Henry I. Pittock.
Robert S. Pafi.
Cot. James Jackson,
U. Oyams.
J. R. Rogers.
Charles L. Holbrook,
Edwin Caswell,
Otto Brayman, F. L. Fuller,
James Steel,
J. S. Roll,
A. C. Sheldon,
J. S. Roll,
A. C. Sheldon,
J. S. Roll,
A. C. Chlematad,
Jufins L. Meier,
George W. Joseph,
A. E. Eckhardt,
J. D. Kester,
J. J. Armstrong,
J. D. Kester,
J. D. Kester,
J. D. Kester,
J. J. Lee,
J. J. Armstrong,
J. D. Kester,
J. J. Lee,
J. Lee,
J. J. Lee,
J. Lee

R. Statter.

P. H. Pogarty,
H. E. Loumsbury,
P. E. West.
C. S. Pietcher,
O. O. Hall,
R. V. Holder,
John M. Scott,
R. E. Meclung,
Hugh Hums,
H. E. Vernon,
George Lawrence, Jr.,
V. J. Hofmann,
E. Sheller Morgan,
Coorge E. Waggener,
Dr. E. DeWitt Connell,

Charles Stinebfield,

REALTY DEALER VICTOR P. F. Osborn Wins \$300 Judgment

Against Mrs. M. Doscher.

Jüdgment for \$300 was given yesterday morning in favor of the plain-

of P. F. Osborn against Mrs. M. Dos-

The plaintiff, a real estate man, ob-

ber 15, 1910, to act as exclusive agent

for Mrs. Doscher in the sale of lets

in Waverleigh Heights Addition. The

real estate man obtained a purchaser in October, but when he sent the con-tracts to Seattle to be signed they

were returned with a communication from Mrs. Doscher that the property had been sold for cash, and expressing regret for the trouble to which Mr. Osborn had been put. Evidence was not introduced to show that the prop-erty had actually been sold.

Attorneys for the plaintiff contended that Mrs. Doscher's action was merely

an attempt to evade the payment of

PLAINTS TO BE PRESENTED

Phone Companies Must Answer, Is

Decision of Councilmen.

The Pacific Telephone & Telegraph Company and the Home Telephone Company are to be required by the

Council to answer specifically to each of the complaints filed with the Coun-

cil against them. This was the decision of the committee, composed of Council-men Joy. Baker and Jennings, at its

meeting yesterday.

Councilman Joy was appointed a sub-committee of one to call upon the telephone companies, submit the com-

plaints of the users of the lines to them, and require explanations. The committee then will decide as to what

can be done toward the regulation or control of the service.

Councilman Joy had a large bundle

of written complaints, and these he will submit to the management of the com-panies. The next meeting of the com-

mittee will be held at the call of the

GIRL DEFIES HER FATE

Miss Tiny Broadwick Takes Desper-

ate Chances in Drop.

The most desperate chances imagina-ble are taken by Miss Tiny Broadwick, the young and daring aeronaut. Who will ascend a mile high in a balloon at the Oaks Sunday afternoon at 4 o'clock. Miss Broadwick will leap from her balloon into a parachute and will then while downward at a direct speed. Her

whiri downwards at a dirzy speed. Her drop will be checked by the para-chute, which she will then out away to again dive headlong. A second para-

chute will catch her up and she will float down to earth or into the middle of the river. The act is the most sen-

sational ever at the Oaks. There will be a second ascension at 9:28 P. M.

Aumsville First to Incorporate.

SALEM, Or., Aug. 3 .- (Special.)-

tumsville is the first town in Marjor County to incorporate under the law of 1888 covering incorporation of muni-cipalities. The Secretary of State

cipalities. The Secretary of State received notice of the incorporation today. H. L. Wright was elected Mayor.

Other officers are as follows: C. H. Mitchell, Recorder; Sherm Swank, Treasurer; T. F. Arthur, Marshal; Charles Ransom, H. C. Porter, B. I. Plummer, H. N. Crane, W. M. Meyers and E. M. Condit, Aldermen.

chairman, Councilman Joy.

erty had actually been sold.

cher, of Seattle.

Marshall, Jr.,

Paso; Marshall, New

Marshall, New

county has not developed, although the ensuing few weeks are expected to bring forth a bountiful crop of "will-ing" candidates. George S. Shepherd, C. N. McArthur and John F. Logan are among the names that have been sug-gested as likely rivals of Lafferty for the namination. the nomination

There is an abundance of candidates aiready in sight in the Second District and before the primaries are held it would not be surprising if more than a majority of the Eastern Oregon counties each had a candidate for the nomination. Among the "possibilities" are nation. Among the "possibilities" are mentioned the following: W. H. Brooke, of Harney: T. J. Mahoney, of Morrow: Henry M. McKinney, of Baker; Emmett Callahan. of Baker; R. R. Butler, of Wasco; Jerry P. Rusk, of Wallowa, and N. J. Sinnott, of Wasco.

Dr. Harry Lane, of this city, undoubt-edly will be the Democratic candidate to oppose the Republican nominee from this Congressional district.

Under the Congressional reappointment bill, which was passed by the United States Senate yesterday, Oregon gains another Representative in Congress. Anticipating this legislation by the National Congress, the Oregon Legislation last Winter another a bill by T Islature last Winter enacted a bill by T. J. Mahoney, Representative from Morrow and Umatilla Counties, redistricting the state into three Congressional districts so as to take care of the state's additional Representative. It was provided in this bill, however, that

was passed by Congress.

By the terms of the Mahoney bill.

Multnomah County, unattached, becomes the Third Congressional district.

Clatsop and Columbia Countles are detained written authorization Septem- tached from the Second Congressional gressional District. At the same time Klamath and Lake Counties are cut off from the First Congressional District and annexed to the Second Congressional District. With the exceptions notes the First and Second Congressional Districts are not changed. The effect of the changes is to constitute into into the First Congressional District all counties of Western Oregon with the exception of Multnoman. All of the counties lying east of the Cascades now onstitute the Second Congressional

ELECTRIC LINE IN VIEW

which will ultimately mean the electrineation of the Southeastern part of the
state giving power, not only for all the
lighting and manufacturing business of
cities and farming districts, but for the
long-talked-of electric railway system
from Dayton to Pendleton via Walla
Walla, was indicated yesterday, when
Engineer Sulliger, of the company, returned from an inspection trip over the
headwaters of the south fork of the
Walla Walla River and down the di-Walla Walla River and down the di-vide to the head waters of the Tukanon. In this district they took many photo-

has had many improvements of this nature in mind for some time and the officials have admitted that an electric line from Dayton here and on to Pen-dicton has been under consideration

All St. Helens Fires Under Control. WOODLAND, Wash, Aug. 3.—(Special.)—A great many people who usually visit the beautiful Mount St. Helens country every Summer, have been de-terred somewhat in making their usua trip on account of reports of fire in the forests in that section, but reliable reports have just been received that there is absolutely no danger, as all the small fires that have been in progress, due to carelessness of campers, are fully under control, and as the

Prison Payroll Cut \$50 Monthly. SALEM. Or., Aug. 3.—(Special.)— Combining the offices of commissary and cook at the State Penitentiary, anand cook at the State Penitentiary, another official has been cut from the state payroll. Charles Gale, a former hotel man of Medford, has been appointed to the combination position, the man who was acting temporarily as commissary being transferred to other work at the prison. Governor West says the change will reduce the Penitentiary payroll \$50 monthly.

Every-Day Prices ATTHE OWL DRUG CO. FOR CAPITAL POST MEMBLess Than Others Advertise for "Special" Sale

READ THIS LIST

Note the prices carefully; these are regular every-day prices, not specials for

See Pozzeni's Pow- 29c

at only 29c

at only 29c

50e Hind's Cream 29 C

25e Lyon's Tooth 14c

25c Satin Skin 16c

15e Swan Down 9c

25e Satin Skin 19c

See De Miraele 33c

35e Castoria at 21c

25c Mennen's Tal- 11c

50c Cream Elenya 31c

Soap at......14c

10e Jap Rose Soap 7c

25e Bromo Seltzer

25c Woodbury's

25e Sanitol Tal-

certain day:

USTACO LINEN

Prospective Candidates Scan STATIONERY Field to Try for Nominaworth 50c box and regular price 25c box, now 25c on sale for only..... tion for Representative.

3 NOW ALLOWED OREGON

Hawley and Lafferty Would Succeed Themselves and George F. Rodgers, of Salem, May Run. Multnomah Third District.

Although the campaign will not pen before the middle of September or later, several prospective candidates are siready looking over the field with a view to trying out for the nomination for Representative in Congress from one of the three Congressional districts in the primaries which will

be held next April.

Representative Hawley, in the First District, and Representative Lafferty. who now represents the Second District, will be candidates to succeed themselves. Hawley will ask for re-election from his district while Lafferty will run for election from Multnomah County, which constitutes the Third Dis-

in the First District, Hawley may be opposed in the primaries by George F. Rodgers, ex-Representative from Marion County and ex-Maror of Salem and a prominent Republican. C. L. McNary, Deputy District Attorney, of Salem, may also aspire for the nomination against Hawley.

Many May Seek Honor.

Material for Congress from this

One Representative Gained.

its provisions should not become operative until the reapportionment bill was passed by Congress.

Road From Dayton to Pendleton Via Walla Walla May Be Built.

WALLA WALLA, Wash. Aug. 3— (Special.)—That the Pacific Power & Light Company is planning a move which will ultimately mean the electrigraphs of the country and obtained much data concerning the watershed and courses as well as grades. The Pacific Power & Light Company

are fully under control, and as the rangers in that section are extraordinarily vigilant, those who have anticipated visiting that section need not hesitate to go shead with their plans. This wonderful section is replete with beautiful scenery, good fishing and hunting and is a great berrying section. The trip to the top of St. Helens is more easily accomplished from the Lewis River side, and the wonderful caves in the lava beds are worth the trip to see, besides the scenery up Lewis River cannot be excelled.

SATURDAY NIGHT SPECIAL

FROM 7 TO 9 O'CLOCK ONLY. \$1.05 Worth of Friday and Satur-25c Box of Sonp, 25c Jar Talcam, day Suggestions

25c Hand Scrub, 25c Tooth Powder, Se Wash Cloth, \$1.05 worth 50c

DRUGS

Atomis- 39c Best drugs in larger quantities at lowest prices here always. Mending 5c Alum. 10c | Epsom 10c Fever Ther-Boracle 250 F1 a x - 100 ters at ... 680 Cascara DF Cascara 250 H y p o. 50 Bark, lb... 50 Chalk, Oc Plaster Oc French, b. Oc Paris, ib., 10c

> LIQUOR SPECIALS

Maryland Reserve \$1.25 With One Pint Port

Henderson Smoothest Bourbon, full quart, on \$1.25 With One Pint Port or Sherry Free.

1000 COIN PURSES

No. 120-24. This 24-inch Matting Suit Case, with straps all around case, extra catches and linen lined, on sale Friday and Saturday for \$2.49 placed on sale at 25c. Reg ular prices up to \$1. This shipment arrived the first of the week. We want to Look them over. You will find all sizes and 25c leathers. Priced at 25c 2.50 LA GRANDE

\$1.69

GOOD CANDY

Makes Friends-Our. Is Good Candy. SPECIALS. pound...... 15c

Butter 20c Peppermint 15c Dates, Ib ... 25c Fig Squares, 15c

SATURDAY SPECIALS special at.....15c special at 30c 25e Dorin's 17c 50e Charles' 29c 50e Ingram's Milkweed Cream special 30c special at..... 13c BI Hostetter's 70c special at..... 17c 81.00 Cutteura 75c
Ointment at ... 75c
Sue Crystos 33c
special at ... 33c
sue Mentho-29c
Intum, special ... 29c 25e Listerine, 15c \$1.00 Bromo Seltzer at..... 69c 50c Hesinol 30c 50c Williams' 30c Pink Pills at ... 30c

der at............15c 25c Euthymol 10c 50e Canthrox 29c POSTCARDS for everyone, of all kinds, at one

KODAKS

Complete Eastman line. Finishing in 24 hours, Work the best. Prices the lowest. We make no charge for developing if the entire roll is a failure

1

Rexall Remedies are guaranteed remedies. Your money back if you are not satisfied. Jelly 250 at. 350 at. 350 at. 350 at. 350 at. 500 at. Wash 250 Worm 250

\$24 TRUNK

We are a factor in the trunk business of Port-For Friday and No. 124, size 34, a threethe regular price of which is \$24.00, on sale at \$17.50

"OWL" PREPARATIONS

We are proud of and guar-antee each and every one. Blackberry A I k a line Balsam 250 at.... 250 Poison Oak R e m e d y on sale 250 at... 250 at... 250 corn 250 corn (two for 1 250 corn (two for 250)... 150 at... 200 at... 200 on saic 250 corn 250 paint. 250 paint. 250 point a 1 cream (two for 250). 150 at. 200 pow ders order-250 at. per 250 leys. 250

HANDBAGS The new satin bag. We have a few \$1.25 ones

Send Us Your Mail Orders - Promptly Filled at These Prices

Seventh and Washington Sts.

SI-THERMOS BOTTLES-SI No longer a luxury. Sold at a price new within the reach of all. Let us show you these new Thermos Bottles, the genuine \$1.00 Thermos, new price only \$1.00

SPENCER'S ATTACK FUTILE

Judge Kavanaugh Holds That Request for Injunction by City, Not Suit, Is Proper Course Owing to Oregon Grant.

Judge Kavanaugh yesterday morning secided the case of the State of Oregon ex rel. E. W. Spencer against the Portland Rallway, Light & Power Company in favor of the defendant. The court held that the state has no interest whatsoever in the enforcement of city regulations, the state having given a franchise which permits the carriage of freight and having delegated to the city the right to grant and enforce

local franchises. local franchises.

In his decision the Judge pointed to a section of the charter of Portland which provides a remedy for violations of franchises, the remedy being that the executive officers of the city on being apprised of violations must, under pain of impeachment, take steps looking toward forfeiture of franchise or absolute cessation of the evil against which complaint is made.

The action of Captain Spencer was in

The action of Captain Spencer was in the nature of a que warranto proceed-ing citing the company to show cause why it should not be enjoined from carrying freight on its local lines, the franchises which it holds from the city not including this power.

State's Step Attacked.

John M. Gearin, appearing for the company, did not attempt to deny act-ual violations as alleged in the complaint, but took the position that the state had no right to intervene in the action. In this contention he has now been upheld by Judge Kavanaugh, who decided that the question is purely a local one, under the exclusive control of the local authorities.

of the local authorities.

"It is contended by the defendant," said the Judge in his decision, "among other things that this action is misconceived and that the pleadings and evidence fail to disclose a situation that authorizes the application of the remedy provided by the statutes. It is said that the evil complained of as thus disclosed is not the usurpation or the intrusion into or unlawful tenure or exercise of a franchise, but merely that the grantee has violated certain provisions of the franchises of the City of visions of the franchises of the City of Portland relating to the transportation of freight and express matter.

Double Franchise Held.

"The sections of the code under which this action was instituted are statutory substitutes for the common statutory substitutes for the common law proceeding in quo warranto. The common iaw writ is abolished, but the remedy obtainable under the common law may be obtained under the code. Quo warranto in its broadest sense is a proceeding to determine the right to the use or exercise of a franchise and to oust the holder from its enjoyment if its claim be not well founded. In this yiew, and according to the weight of authority, this defendant is the holder of franchises from different sources, a solid to find his way about the city so

STATE CASE FALLS

franchise conferred by the state and others by the City of Portiand.

The franchise from the state does not prohibit, but permits the carriage of freight for hire. Most of the municipal tranchises in question prohibit, the carriage of freight or express matter without license from the Council. Under its state franchise this defendant has constructed and now operates several interurban lines on which it carries freight for hire under authority from the state.

State Favors Practice.

Traction CASE FALLS

franchise conferred by the state and oblidings.

John M. Scott, assistant general passenger agent for the Harriman lines, returned yesterday from Astoria, where he completed arrangements for improved steamship service between that city and Portland during the Centennial celebration. Beginning August 10 the steamer T. J. Potter, will call at Astoria on the downward trip and the schedule will be changed to accommodate those who want to make a daylight trip.

State Favors Practice.

State Favors Practice.

"If the state has any interest in the carriage of freight or express matter by railway companies, that interest is uniformly manifested in favor of the practice, but the state has delegated to this municipality the authority to grant franchises within its corporate limits and has conferred upon it power to impose such regulations as the local to impose such regulations as the local | Seattle exigencies may demand. It must be conceeded that the practice of this defendant in carying freight or ex-press matter on its lines in the City of Portland was never prohibited by the state but the restrictions were imposed by the city for purely local rensons nor has the state any longer any interest in the enforcement of these local regulations. So we have here esented the anomalous situation of ulation which it did not impose, in which It has no interest and attempting to prohibit and exclude a privilege which it freely granted to this railroad cor-poration and to all railroad corpora-

Injunction Right Course.

"The city can secure relief in the ordinary and usual remedy for violations of public service franchises. Section 155 of the charter empowers the Mayor to institute proper proceedings by injunction to that end.

by injunction to that end.
"I conclude therefore that the com-plaint here is that the defendant has engaged in business not authorized by some of its franchises; acts that are ultra vires or in excess of its powers not that it has usurped franchise granted. Acts in excess of author ity may be carried so far as to amount to a misuse of the franchise and au-thorize its forfeiture. A forfeiture, however, is not sought in this pro-ceeding. As I have said this proceed-ing is designed to oust the defendant from a franchise not to prevent it from a franchise not to prevent it from exercise of privileges that are ultra vires, without assailing its rights to exercise the privileges granted. For these reasons I am of the opinion that the action is misconceived, that the pleadings and evidence do not disclose a situation which entitle the relator remedy sought and this action

DIVORCE IS DENIED BOTH

Judge Kavanaugh Finds Each of Complaining Couple to Blame.

Holding that husband and wife were Holding that husband and wife were equally at fault. Judge Kavanaugh yesterday denied a decree of divorce in the case of B. C. Seydell against Jessye Seydell. The evidence showed that both had gone "Joyriding" with other men and women.

Judge Kavanaugh overruled a motion last week for the reopening of the case, holding that evidence which Mrs. Seydell wished to present as further proof of the charge against her

ther proof of the charge against her husband was culmulative and not new

daylight trip.

E. R. Rudd, superintendent of the Company, operating between Nahcotta Beach and Megier, Wash., was a busi-ness visitor in Portland yesterday. He has arranged for two additional trains the Ilwaco road for Centennial

Harry Bonn, Nickel Plate agent a was in Portland on business

yesterday.

W. E. Coman, general freight and pas senger agent of the North Bank road; A. D. Charlton, assistant general pas-senger agent of the Northern Pacific, and John M. Scott, assistant general pas-senger agent of the Harriman lines, will go to Rainier Inn, in Rainier National Park, next week, to attend the meeting of the North Pacific Coast Passenger Association. The meeting has been called merely to discuss subjects that have accumulated after months of corespondence. The passenger men will be the guests of the Milwaukee road at the lim.

Engineer Modern Solomon.

MEDFORD, Or., Aug. 3.—(Special.)—
Deciding that less than the \$8000 asked
and more than the \$4000 offered by
the county was due Chris Natwick, contractor for work on Pumice hill grade,
William Garle vasianday set the price William Gerig yesterday set the price at \$6671.15. Unable to settle the matter between themselves, the contractor and county engineer agreed on Mr. Gerig, chief engineer of the Pacific & Eastern, as arbitrator of the dispute.

Medford Taxes \$517,374.46. MEDFORD, Or., Aug. 3.—(Special.)— More than half a million dollars is the tax assessment of Jackson County

for 1911. The amount, \$517,374.46, exceeds last year's taxroll by more than \$100,000, the large increase being due to the greater valuation of state and

The Army of

Constipation le Growing Smaller Every Day. CARTER'S LITTLE
LIVER PILLS are
responsible—they not
only give relat—
they permanently
cure Counting—
tion. Mil-CARTERS Bilions-noss, Indigestion, Sick Hoodache, Sallow Shin.

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