

COURT RESOUNDS
RAIL AGREEMENT

Oregon Electric Not Forced to
Build Station on Private
Land, Is Ruling.

MEYERS' DECISION UPHELD

For Killing of Salem Officer Man
Must Serve Indefinite Sentence.
Dismissal of Petition in Oregon
Bank Case Is Approved.

SALEM, Or., Sept. 26.—(Special.)—Declaring that a provision in a right-of-way deed providing that a railroad company shall maintain a station or a depot on the land of a landowner in return for a right-of-way granted across his land is void, because contrary to public policy, the Supreme Court in an opinion written by Justice Bean today, reversed the judgment of the circuit court of this county in the case of Frank Ford against the Oregon Electric Railroad Co.

In 1904, when the Oregon Electric Railroad was building from Portland to the city, Timon Ford then the owner of a certain tract of land situated near Chemawa, entered into a contract with the company to convey to it a right-of-way across his land on condition, among other things, that it would maintain a station upon it and stop its trains to take on and put off passengers.

Supreme Court Adverse.
Timon Ford died several years ago and the land went to Frank Ford, his brother, who notified the company that he desired the station to be built. The company declined and in a suit instituted in the circuit court here Ford won, but the Supreme Court reverses that judgment on the ground that such a clause in a right-of-way contract is against public policy.

After pointing out that Ford desired to have a station on his land, as he intends to subdivide it into five-acre tracts and sell it, the court lays down the rule that "a railroad corporation is a quasi public agent and that it is its duty, independent of any agreement to secure advantage to it, to establish its stations at points most convenient for the public interests. An independent subdivision of a tract of land to establish its depots and stations at particular points is illegal."

The court further says that the subject in one which comes within the jurisdiction of the railroad commission and that when the public interests demand it that it has power to direct the company to maintain a station on the land.

Meyers Case Affirmed.
In another opinion written by Judge Bean the Supreme Court sustains the decision of the circuit court of this county in the case of the state against George Meyers, convicted of manslaughter for the murder of Night Patrolman Eckhart in this city two years ago, and Meyers must serve an indeterminate sentence of from 10 to 15 years in the state penitentiary.

Meyers is a brother of Henry and Milton Meyers, the owners of the Meyers store in this city, and the slain Eckhart just as he was unlocking the door to take him into the jail. Eckhart had arrested him on the complaint of Arthur Meyers, a witness who roomed with George. The brothers had quarreled.

WASHINGTON TAX
LEECUT FOR YEAR

ST. JOHNS BONDS BID ON

Ohio Bank Offers \$261 Premium on
Improvement Issue.

ST. JOHNS, Or., Sept. 26.—(Special.)—At a meeting of the City Council tonight, Mayor Couch announced that bids had been received for the bond issue of \$250,000 to pay for improvements already completed. The best bid was that of the Security Savings & Trust Company, of Toledo, Ohio, which offered a premium of \$261.46, which was much higher than of the other bids. Mayor Couch said that the improvement work in St. Johns for the present year now amounts to \$250,000, equal to the cost of the improvements in the history of the town.

VETERANS OF FRANCO-PRUSSIAN
WAR BEAR COM-
RADE TO GRAVE.



OREGON CITY, Or., Sept. 26.—(Special.)—Funeral services over the body of Julius E. Freitag were held Saturday afternoon, Rev. E. S. Hollinger, formerly pastor of the Congregational Church in this city, but now of the Highland Church, Portland, conducting the services. August Schnorr, veteran of the Franco-Prussian War, spoke impressively of his comrade's death. Mr. Freitag having been a commissary commissioner during the war of 1870 and 1871 at Wurtemberg. At the Mountain View Cemetery the ceremony was conducted by the veterans. The pallbearers were all veterans of the Franco-Prussian War and were T. Ebel, captain of the war veterans; August Van Ohoff, M. Lehner, Frank Ellinger, of Portland; F. Busch, H. Sells, of Oregon City.

den street made the assertion that Charles Andrew, city engineer, had overcharged them on the assessment for the improvement of that thoroughfare. Councilman Perrine thereupon demanded that the engineer's work be investigated by an expert. Mr. Andrews also asked that the work be investigated, but the motion to do so was defeated.

WHEELER MEN ORGANIZE

42 From Commercial Club to Boost
Tualatin Valley.

WHEELER, Or., Sept. 26.—(Special.)—Forty-two citizens of Wheeler, a thriving and slightly suburb in Washington County, 14 miles from Portland on the West Side line of the Southern Pacific in the Tualatin Valley, organized a Commercial Club Monday evening selecting B. A. Caples as president and J. E. Bush as secretary.

The organization was effected to prevent possible imposition upon new settlers by overcharges, false promises or unfulfilled pledges by real estate promoters and to that end has listed the small tracts and home sites now on the market. A committee will show these properties to visitors who can then advise the owners, no commission or other charges being made.

SWIMMER LOSES LIFE

Claude Meeks Is Drowned Sunday in
Willamette River.

SHERWOOD, Or., Sept. 26.—(Special.)—Claude Meeks, 21 years old, was drowned in the Willamette River near Butteville Sunday. With friends he had been to a dance at Butteville, and returning, had to cross the river in a rowboat. When about half way across Meeks suggested that they take a swim. One of his friends agreed and they both dived in, and after a short swim returned to the boat. They tried it again, but this time Meeks did not come back.

Terminal Road Surveyors Rush.

MARSHFIELD, Or., Sept. 26.—(Special.)—The surveying crew for the Terminal railway is pushing the engineering work for the new road. The crew under engineer Sanberg started some distance above the Smith mill and is rapidly working toward the city. The Terminal railroad was organized by local lumbermen and bankers and proposes to build an electric line on some of the streets and a steam railroad down the waterfront of Marshfield and North Bend. It is likely that actual construction work will begin early in the Spring. According to the franchise granted the Company by the City Council of this city the company must expend at least \$10,000 on the work before nine months has expired and the road must be completed in 18 months.

Penny Fraud Proves Costly.

VANCOUVER, Wash., Sept. 26.—(Special.)—For passing a penny of ancient coinage for a 10-cent piece to G. R. Shields, of the Brunswick rooming-house, George Thiessen, formerly a saloonkeeper of this city, was today compelled to pay \$4.10 in costs, reimburse Shields and pass 30 days in jail, or leave the city at once.

WASHINGTON TAX
LEECUT FOR YEAR

Military Assessment Is Raised
And School Demand Is Re-
duced by Board.

ROAD IMPROVEMENT HALTS

Confusion on Final Night of Legis-
lative Session at Olympia Leads
to Death of Remedial
Highway Laws.

OLYMPIA, Wash., Sept. 26.—(Special.)—The State Board of Equalization has announced that the tax levy for 1912, for state purposes, will be 4.33 mills. The tax is divided as follows: General fund, 2.10 mills; state school, 2 mills; military, .20 mills; highway, 1 mill. This is a cut of .13 mill, compared with 1910. This year the school tax was cut .18 mill and the military levy raised .05 mill.

In 1911 the total amount to be raised by taxation is \$5,021,167, which is \$141,000 more than was raised in 1910, the rate being lower, but the total assessed value this year is \$955,125,934, as against \$905,247,780 a year ago.

Under a ruling made by the Attorney-General, who held that the law is mandatory, the Board of Equalization levied a tax of 1 mill for state highway purposes, although the Legislature neglected to provide for the spending of this money, owing to the mix-up over state roads which resulted in the killing of the remedial highway laws.

The lawmakers did provide that the levy for state aid, or permanent highways, should be "not in excess of one mill," so the board made no levy for that fund.

Five counties had their pleas heard for a higher percentage ratio. They were as follows: Chehalis from 20.17 to 20.17 per cent; Grant from 20.34 to 25.15 per cent; Kitsap from 20.03 to 25.89 per cent; Okanogan from 25.35 to 32.35 per cent, and Skagit from 25.23 to 30.10 per cent. This means that they will pay less taxes to the state in 1912 than in 1911; the higher the percentage of the assessed ratio to the actual value the smaller in proportion are the taxes.

GRAIN SCALERS ELECT

D. A. PATULLO HEADS STAND-
ARDIZERS OF CROPS.

Committee to Meet Tuesday to Fix Grades of 1911-12 Yield, Which Are Followed World Over.

D. A. Patullo, of Balfour, Guthrie & Co., was elected chairman of the Portland Chamber of Commerce grain standard committee yesterday, and a meeting of the committee will be held next Tuesday afternoon to set standards on the grain crop for 1911-12.

Although Washington has a state committee for fixing grain standards, that body is regarded by foreign grain dealers as political and its standards have been repeatedly rejected in favor of the standards established by the Portland committee. At present the majority of the wheat, barley and oats shipped from Oregon, Washington and Idaho is bought under the Portland Chamber of Commerce inspection and bears its certificates of grading.

The committee grades samples of the Northwest grain crop every year. These are put up in four-pound packages and shipped to Eastern and foreign grain markets. They are numbered according to the different grades, and the buyers order by number. The grain standard committee has six inspectors in the field—four in this city and two in Buxton, Oregon, and secretary of the Chamber of Commerce declares that with all the shipments that went out from the Northwest last year not one complaint against the inspection of their representatives was received from the buyers.

Members of the grain standard committee are D. A. Patullo, of Balfour, Guthrie & Co.; A. Berg, of Balfour, Guthrie & Co.; R. C. E. Currey, of the Northwest Warehouse Company; R. Kennedy, of the Pacific Coast Elevator Company; and Thomas Kerr, of Kerr, Gifford & Co.



Seven Real Bargains For Wednesday
and Thursday

The shrewd and thrifty women of this city will realize the importance of this announcement if they will come in and investigate these splendid offerings

Tailored Suits at Only \$16.50

If you have experienced difficulty in finding an inexpensive Suit that you would care to have, you will look no farther when you see these. They're made in the best styles of the season in pretty mixtures and serges. No better suits elsewhere at \$22.50. Special \$16.50

Black Broadcloth Coats \$19.50

Women's and Misses' Strictly Man-Tailored Coats of extra fine broadcloth, full lengths, semi or tight-fitted backs, richly lined with fine satin, beautifully made. A Coat well worth \$27.50. Wednesday and Thurs, special only \$19.50

Serge Dresses \$12.50

Two charming models of fine all-wool serge, made with the new high waist, empire effects, braid trimmed and lace turnover collar and cuffs. Sizes for the misses as well; a regular \$18.50 Dress. Spl. \$12.50

\$2.00 Waists \$1.35

New Fall Tailored Waists, made of pure linen and linon. About six charming styles to choose from; plain, pleated or embroidered in pretty designs. Usually \$1.35 sold at \$2. Special \$1.35

\$7.95 Skirts \$5.75

Here's a splendid Skirt bargain; all new, made in all-wool serges with panel front and back; navy, black or brown, large and small sizes. Unusual value \$5.75 at \$7.95



CLOAKS
PORTLAND'S
Embarium
126 SIXTH ST.
SUITS
VISIT MILLINERY SECTION

\$5 Petticoats \$2.95

Many Petticoats of messaline are offered you at this price, but nothing to compare with these. They come in every shade. You can't beat them at \$2.95

\$4 Sweaters \$2.95

What is more useful than a Sweater? Can you afford to be without one when you can buy one, as we offer, finely knitted in all shades at \$2.95

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Dandruff Goes

Falling Hair Ceases, Scalp Itch
Vanishes, New Hair Grows
Profusely and Becomes
Fascinating.

William F. Minard, a timberman about 55 years old, with offices in the Worcester building, was the subject of two indictments returned yesterday morning by the grand jury. One charge that he contributed to the delinquency of a minor, a Woodlawn girl, 13 years of age, while the other he is accused of having in his possession and exhibiting obscene pictures. He secured his release on furnishing \$3000 bail.

Valaaki Bain was indicted on a charge of attacking Mike Miller with a hatchet on September 15. True bills were returned against Charles F. Smith and Joe Fraters, accused of the theft of a quantity of watches and jewelry from the store of J. H. Meisner on August 4. They were not sent for Municipal Court.

Several of these under indictments were arraigned before Judge Gates yesterday afternoon and given time to plead. Among them were Tony Arnaud, charged with keeping a disorderly house; G. F. Lent, burning brush out of season contrary to state statute; Valaaki Bain, assault on Mike Miller; May Jones, charged with stealing diamonds, the property of J. Kuttner; L. E. Merchant, charged with killing cattle under quarantine for disease; H. J. Stewart, accused of the theft of several dozen pocket knives, and Thomas Lumsden, accused of passing a worthless check. Merchant, farmer, was indicted by the August grand jury. May Moeller, who was involved in the theft of the Kuttner diamonds, by statements of May Jones, entered a plea of not guilty. Jim Gernabus and Yass Goladus pleaded guilty to assaulting R. C. Nelson, a policeman, and were fined \$50 each.

Bowly Funeral Conducted.
FOREST GROVE, Or., Sept. 26.—(Special.)—The funeral services of Hugh Bowly, a native of Oregon, who was accidentally killed by a train in Street, Ill., a week ago, were conducted in this city Sunday under the auspices of the Masonic Lodge. Mr. Bowly was 31 years old, and at the time of his death was in the employ of a gas company in Street. He at one time attended Tualatin Academy, at this place, and later studied dentistry. He was unmarried. His father, Judge J. Q. A. Bowly, of Astoria, and sister, Violet, accompanied the body here. Rev. D. T. Thomas, of the First Congregational Church, conducted the services and burial took place at the Buxton Cemetery, a mile and a half northwest of this city.

W. F. MINARD, 55 YEARS OLD,
INDICTED BY GRAND JURY.

Possession of Unclean Pictures In-
cluded in Findings Against
Portland Timberman.

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GIRL HARMED IS CHARGE

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THE WRETCHEDNESS
OF CONSTIPATION

Can quickly be overcome by
CARTER'S LITTLE
LIVER PILLS.



Purely vegetable
—act surely and
quickly on the
liver, cure
Biliousness,
Head-
ache,
Dizziness,
and indigestion. They do their duty.
Small Pill, Small Dose, Small Price.
Genuine Small Seal Signature
Beaumont

Edieson delivers fuel ties. C 2303.

Have Your Friends Come West in
SAFETY AND COMFORT

VIA THE
"MILWAUKEE"

THE ONLY ROAD OPERATING
ALL STEEL TRAINS
BETWEEN CHICAGO AND THE PACIFIC NORTHWEST.

LOW COLONIST FARES

ON SALE DAILY, SEPTEMBER 15 TO OCTOBER 15.
From a few of the more important Eastern points the following fares apply:

Table with 2 columns: From (St. Paul, Minneapolis, Omaha, Sioux City, Chicago, Cleveland, From Buffalo, From New York) and To (Portland, Seattle, Tacoma, Astoria, Vancouver, Seattle, Portland, Boston). Fares range from \$25.00 to \$50.15.

Two Solid Through Trains Daily

Completely electric lighted, with New, Comfortable, Tourist Cars in which the berths are longer, higher and wider than in similar cars on other roads. Excellent Dining-Cars. Meals are served on the popular pay-only-for-what-you-order plan.

THE CHICAGO
MILWAUKEE
& PUGET SOUND
RAILWAY
"The New Steel Trail"

Wash your clothes with
GOLD DUST

Good soap washes clothes well—if you use enough elbow grease, but Gold Dust washes them more thoroughly—and with little or no rubbing. Gold Dust saves half your time, and spares your poor back.

Another great advantage of Gold Dust—use any kind of water you like. Gold Dust softens the hardest water, and makes it soft as rain water.

Gold Dust is just a vegetable-oil soap in powdered form, with other cleansing ingredients added to make it work more thoroughly and quickly than soap ever can.

Just try Gold Dust next wash-day, and see how much time you save.



Do not use soap, naphtha, borax, soda, ammonia or kerosene with Gold Dust. Gold Dust has all desirable cleansing qualities in a perfectly harmless and lasting form.

Made by THE N. K. FAIRBANK COMPANY, Chicago
Makers of Fairy Soap (the oval cake)

Keep the Pot Boiling

Fancy Lump Coal \$6.25 Ton

Delivered at your address in Portland, within the one-mile circle, at this price or within the two-mile circle at \$6.75 per ton, for ADVERTISING PURPOSES ONLY. If you wish to take advantage of this offer, you will have to act at once as we will sell only TWO TONS TO EACH CUSTOMER. This means our best grade lump coal, nothing more and nothing less. We do not make any money on this coal at this price, and are simply doing this to advertise the DIAMOND CREST COAL.

WE WANT 450 CUSTOMERS IN THIS CITY. We know that when you have once used this coal, you will continue to do so. Do not be disappointed if you do not get some of this coal, for the first come will be first served.

We will not reserve any of this coal for anyone, excepting such orders as are accompanied by the cash or check.

We are placing 900 tons only on the market at this price.

Diamond Crest Coal Company
325 Railway Exchange Building.
Phone Marshal 2574. Portland, Or.