# COURT RESCINDS

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 rightof-way deed providing that a railroad npany shall maintain a station or a epot on the land of a landowner in return for a righteof way granted across his land is void, because conscross his land is void, because con-trary to public policy, the Supreme Court, in an opinion written by Jus-tice Bean today, reversed the judg-ment of the circuit court of this county in the case of Frank Ford against the Oregon Electric Railroad Co. In 1998, when the Oregon Electric Railroad was building from Portland to the city, Tilmon Ford, then the owner of a certain tract of land sit-uated near Chemawa, entered into a contract with the company to conyey

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

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

After pointing out that Ford desires to have a station on his land, as he intends to subdivide it into five-acre tracts and sell it, the court lays down Supreme Court Adverse.

tracts and sell it, the court lays down the rule that "a railroad corporation is a quast public agent and that it is its duty, independent of any agree-ment to secure advantage to it, to establish its stations at points most convenient for the public interests. An agreement, therefore, by the corpora-tion to establish its depots and stations at particular points is illegal."

The court further says that the sub-ject is 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 man-slaughter for the murder of Night Patrolman Eckhart in this city two

Patrolman Eckhart in this city two years ago, and Meyers must serve an indeterminate sentence of from one to 15 years in the state penitentiary.

Meyers is a brother of Henry and Milton Meyers, the owners of the Meyers atore in this city, and shot and killed 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 brother, who roomed with George. The brothers had quarreled. who roomed with ore had quarreled.

Mayers was tried for murder in the first degree, convicted of murder in the second degree, but the Supreme Court reversed the judgment. At the second trial he was convicted of manifest of the second trial he was convicted of manifest of the second trial he was convicted of manifest of the second trial he was convicted of manifest of the second trial he was convicted of manifest of the second trial he was convicted of manifest of the second trial he was convicted of manifest of the second trial he was convicted of manifest of the second trial he was convicted of manifest of the second degree, but the Supreme County and sightly suburb in Washington to the second degree, but the Supreme County and sightly suburb in Washington trial he was convicted of manifest of the second degree, but the Supreme County and sightly suburb in Washington trial he was convicted of the second degree, but the Supreme County and sightly suburb in Washington trial he was convicted of the second trial he was convicted to the second trial he was convicted t

second trial he was convicted of mansiaughter, and that verdict is now upheld. Meyers since the second trial
has been out on bonds.

The grounds upon which his attorneys sought a reversal was the introduction in evidence of the testimony
of Arthur Meyers, who failed to respend to a summons and testify in
person in the second trial. They contended that in introducing these notes
the defendant had been deated the
constitutional right of being confronted with the witness appearing against
him and cross-examine him. The Supreme Court, however, held that he
had been confronted with the witness
once and allowed to cross-examine him,
made. the defendant had been denied the constitutional right of being confronted with the witness appearing against him and cross-examine him. The Supreme Court, however, held that he had been confronted with the witness once and allowed to cross-examine him, and that therefore his rights had not been violated. been violated.

Petition Is Defective.

The Supreme Court upheld Judge Gantenbein in his having dismissed the petition of George D. Wischusen, which asked he be permitted to intervene in a suit between Louis J. Wilde and the Oregon Trust & Savings bank and to have his claims against the bank paid

in full.
Wischusen had on deposit in the bank when it failed \$2209.59. Together with other creditors he entered into an agreement with the German-American Bank, of which Wilde was president, to accept certain bonds of the Home Telephone Company of Puget Sound, of Tacoma, and the Independent Telephone Company, of Omalia, Neb., for a certain per cent of his claim, the balance to

e paid in cash. Afterwards he served hotice on the Afterwards he served hotics on the receiver that he rescinded the contract because of fraud, and filed a petition in the Circuit Court setting forth his case and asking that he be paid in full from the funds of the bank. The petition was dismissed by Judge Gantenbeln, and the Supreme Court sustains him on the ground that the petition was defective, complete records of the case were not brought before it, and also on the ground that Wischusen stood by for three years without objecting to the liquidation of the bank's exists.

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 theeks 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.

His body was recovered later in the day and taken to Sherwood.

Terminal Road Surveyors Rush.

taxed in proportion to its value, to be ascertained as provided by law.

Controller Bothwell is advised that his department is not authorized to make any expenditure of public funds in checking up any single tax petition.

ST. JOHNS BONDS BID ON

Ohio Bank Offers \$261 Premium or Improvement Issue.

ST. JOHNS, Or., Sept. 28.—(Special.) -At a meeting of the City Council to-At a meeting of the City Council tonight, Mayor Couch announced that
bids had been received for the bond
issue of \$10,000 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 \$251.50, 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 \$255.600, equal to the
cost of all previous improvements in
the history of the town.
Several property owners on Fessen-

VETERANS OF FRANCO-PRUS-SIAN WAR BEAR COM-RADE TO GRAVE.



OREGON CITY, Or., Sept. 26 .-(Special.)—Funeral services over the body of Julius E. Fretag were held Saturday afternoon, Rev. E. held Saturday afternoon, Rev. E. S. Bellinger, formerly paster 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. Fretag having been a commisary 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. Slebel, captain of the war veterans; August Van Othoff, M. Lebberg, Frank Elinger, of Portland; F. Busch, R. Seller, of Oregon City.

charles Andrews, city engineer, had evercharged 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 by the motion to do so vestigated, but the motion to do so was defeated.

WHEELER MEN ORGANIZE

42 From Commercial Club to Boost Tualatin Valley.

WHEELER, Or., Sept. 26 .- (Special.) ington County, 14 miles from Portland

The club intends to co-operate with other organizations in inducing the up-building of the state. Recently Wheeler and victinity was incorporated into a separate school district and a bend issue of \$6000 was voted for the construction of a modern four-reschoolbouse. In the meantime a t porary building has been fitted school purposes and two teachers have been installed.

SWIMMER LOSES

Claude Mecks 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

Terminal Road Surveyors Rush.

CHECK GIVEN SINGLE TAX

State Constitution Forbids Adoption in Scattle.

SEATTLE, Wash. Sept. 16.—The single tax on land values cannot be adopted by the City of Scattle because the state constitution forbids auch legislation, according to an opinion rendered totaly by Corporation Counsed Scott Calhoun. Scattle single tax ets. headed by Councilman Oliver T. Erickson, are circulating a petition many law, designed to submit the state initiative and referendum law, designed to submit the state for council property and improvements upon real property in Scattle from city taxes. City Controller Bothwell saked the corporation counsel what action he should take upon the petition when it is submitted to him.

Mr. Cathoun, in his reply, points out that the state constitution provides that all property in the state not exempt under the laws of the United States or the state constitution shall be states or the state constitution shall be MARSHFIELD, Or., Sept. 26 .- (Spe

Military Assessment Is Raised And School Demand Is Reduced by Board.

ROAD IMPROVEMENT HALTS

Confusion on Final Night of Legislative 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 1911, for state purposes, will be 5.39 mills. The tax is divided as follows: General fund, 2.19 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 15 mill and the military levy raised 05 mill.

In 1911 the total amount to be raised by taxation is \$5,062,167, which is \$141,-090 more than was raised in 1919, the rate being lower, but the total assessed value this year is \$955,125,934, as against \$906,247,944 a year ago. Tangle Delays Roads.

Under a ruling made by the Attor-ney-General, who held that the law is mandatory, the Board of Equalization levied a tax of 1 mill for state highlevied a tax of 1 mill for state high-way purposes, although the last Legis-iature neglected to provide for the spending of this money, owing to the mix-up over state roads which resulted in the killing, on the final night of the session, of all road programmes. The lawmakers did provide that the levy for state sid, or permanent high-ways, should "not exceed one-half mill," so the board made no levy for that fund.

Five counties had their pleas heard

Five counties had their pleas heard Five counties had their pleas heard for a higher percentage ratio. They were as follows: Chehalls from 20.17 to 26.17 per cent; Grant from 20.34 to 26.15 per cent; Kitsap from 20.88 to 25.50 per cent; Okanogan from 25.25 to 20.10 per cent. This means that they will pay less taxes to the state in 1911 than in 1910; the higher the percentage of the assessed ratio to the actual value the smaller in proportion are the taxes.

Railroad Levy Raised. Railroad Levy Raises.

One of the features of the 1911 figures is that the railroad and other public service corporation property was increased practically 30 per cent over last year, while the general property went up less than 5 per cent, which means that of the increase the which means that of the increase the railroads will pay about \$6 to the \$1 advance paid on general property. The actual value of all property exclusive of steam and electric railroads and telegraph lines for 1911 is \$2,007,277,-760 and this was equalized by the State Board at \$802,614,133, making the ratio for the state 35,985 per cent. In 1910 the ratio was 29,25 per cent, que, how-ever, to the allowing of exemptions the ratios were determined. while this year this was done after-

ward.
The equalized value of the railroads has been placed at \$132,465,-414; the electric lines at \$19,673,082 and telegraph companies at \$280,305, which, with the \$802,614,183 on the general property, makes up the grand total of \$955,125,934, representing the assessed value of property of all kinds in Washington. in Washington.

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

Possession of Unclean Pictures Included in Findings Against Portland Timberman.

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, 12 years of age, while in the other he is accused of having in his possession and exhibiting obscene pictures. He secured his release on furnishing \$3000 ured his release on furnishing \$3000

Valaski 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 Fraiters, accused of the theft of a quantity of watches and jewelry from the store of J. H. Meisner on August 4. They were held for Municipal Court. Several of those under indictment

Several of those under indictment were arraigned before Judge Gatens yesterday afternoon and given time to plead. Among them were Tony Arnaud, charged with keeping a disorderly house; G. P. Lent, burning brush out of season contrary to state statutes; Valaski Bain, assault on Mike Miller; May Jones, charged with stealing diamonds, the property of J. Kutner; L. E. Merchant, charged with stealing 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, a farmer, was indicted by the August grand jury. May Moeller, who was involved in the theft of the Kutner diamonds, by statements of May Jones, entered a plea of not guilty. Jim Gernabus and Yass not guilty. Jim Gernabus and Yass Goladus pleaded guilty to assaulting R. C. Nelson, a policeman, and were fined

\$50 ench. Bowlby Funeral Conducted.

FOREST GROVE, Or., Sept 36.-(Special.)—The funeral services of Hugh Bowlby, a native of Oregon, wh Hugh Bowlby, a native of Oregon, who was accidentally killed by a train in Streeter. Iii, a week ago, were conducted in this city Sunday under the auspices of the Masonic Lodge. Mr. Bowlby was II years old, and at the time of his death was in the employ of a gas company in Streeter. He at one time attended Tualatin Academy, at this place, and later studied dentistry. He was represented. this place, and later studied dentistry. He was unmarried. His father, Judge J. Q. A. Bowlby, 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.

Edlefsen delivers fuel ties. C 2301.

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 No better suits elsewhere at \$16.50 \$22.50. Special ......

### 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 \$19.50 Thurs, special only ......

NO CHARGES FOR ALTERATIONS

Serge Dresses \$12.50

Two charming models of fine allwool 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 \$12.50 press. Spl. \$12.50



VISIT MILLINERY SECTION

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 & was elected chairman of the

Portland Chamber of Commerce grain

standard committee yesterday, and a

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

majority of the wheat, barley and oats shipped from Oregon, Washington and Idabo 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 pack-ages and shipped to Eastern and for-eign grain markets. They are num-bered according to the different grades,

bered according to the different grates, and the buyers order by number. The grain standard committee has six in-spectors in the field—four in this city and two in Buget Sound citiés. The secretary of the Chamber of Commerce declares that with all the shipments that went out from the Northwest last

Dandruff Goes

Falling Hair Ceases, Scalp Itch

Vanishes, New Hair Grows

Profusely and Becomes

Fascinating.

Don't say "I've read all that before"
—just go to Woodard-Clarke & Co.
right away, lay down 50 cents, say: "I
want a bottle of that PARISIAN SAGE

that so many sensible people are us-ing." Then take it home and use it as directed and then if you are not sat-

isfied that it is just as advertised

take back the empty bottle and Wood-ard-Clarke & Co. will refund your

merica over. Mrs. J. G. Franklin, Fulton, Mo., rites: "PARISIAN SAGE eradicates

dandruff, cleans the scalp, and makes the hair fluffy and beautiful; also is a

good hair grower. I shall continue to use it as long as it gives such perfect satisfaction."

The Wretchedness

of Constipation

Can quickly be overcome by

CARTER'S LITTLE

LIVER PILLS.

Many Petticoats of messa-

line are offered you at this price, but nothing to compare with these. They come in every shade. You can't beat them

mittee are D. A. Patullo, of Baifour, Guthrie & Co.; A. Berg; C. E. Currey, of the Northwest Warehouse Company; R. Kennedy, of the Pacific Coast Ele-vator Company, and Thomas Kerr, of Kerr, Gifford & Co.

City Employment Office May Move.

FREE EXCURSION

TO BEND, OR.

THE FUNNEL

CENTRAL

OREGON

The quarters of the Municipal Free

spection of their representatives was changed from Madison street, between received from the buyers.

Members of the grain standard comMembers of the grain standard comClerk may be employed. An ordinance

\$7.95 Skirts \$5.75

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



\$5 Petticoats \$2.95

\$2.00 Waists \$1.35

New Fall Tailored Waists,

made of pure linen and linon.

About six charming styles

to choose from; plain, pleat-

ed or embroidered in pretty

designs. Usually sold at \$2. Special \$1.35

\$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 \$2.95

year not one complaint against the inspection of their representatives was received from the buyers.

Members of the grain standard com-

Have Your Friends Come West in SAFETY AND COMFORT

clerk may be employed. An ordinance providing for another clerk

ALL STEEL TRAINS BETWEEN CHICAGO AND THE PACIFIC NORTHWEST.

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

From Cleveland.......839.75 From Buffalo......842.50 From Pittsburg......842.00 From Philadelphia.....849.75 

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 Dinling-Cars.

Meals are served on the popular payonly-for-what-you-order plan.

"The New Steel Trail."

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W. P. WARNER, District Freight and Passenger Agent. J. O. THOMAS, Ticket Agent, Railway Exchange, Third and Stark Streets, Portland, Or.

GEO. W. HIBBARD, eneral Passenger Agent, Seattle, Washington.

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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, naphths, borax, sods, ammonia or kerosene with Gold Dust. Gold Dust has all desirable cleansing qualities in a perfectly harmless and last-ing form.



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THE NEWLON-KOLLER CO., INC. 301-302 Buchanan Bldg., 286½ Wash. St.

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Jose-in residence and business lots 50x140
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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.

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money.

"Pretty risky offer" you'll say; not at all, Woodard-Clarke & Co. know just what PARISIAN SAGE will do and they have the promise of the American makers, the Giroux Mfg. Co., of Buffalo, N. Y., that they will back them up in their strong guarantee, Pretty fair and square offer isn't it? and only 50 cents for a large bottle at Woodard-Clarke & Co. and druggists America over. Delivered at your address in Portland, within the one-mile circle, at

this price or within the two-mile cir-ele at \$6.75 per ton, for ADVER-TISING 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

coal for anyone, excepting such orders as are accompanied by the

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