MEDFORD RATE ACT IS DECLARED VOID

Court Directs Temporary Injunction Be Permanent in Famous Case.

"BILL DEFEATS ITSELF"

Opinion, Caustic at Times, Says Provisions of Draft Are Incongruous and Irreconcilable, Violating Rights of Carriers.

(Continued From First Page.) rier," it says in one place, "to manage his own affairs and exercise his own judgment respecting the spread between carload and less than carload rates, so long as he keeps within the bounds of reasonable maximum rates, and does not discriminate between persons and localities, but it would compel him in many instances to accept unreasonably low rates, in order to comply with its provisions and avoid criminal prosecution."

Another passage reads: "As to classification, the first hree sections of the ace are irreconcilable and wholly incongruous. . . The law cannot be enforced without doing injustice to the carriers, which is tantamount to taking property without due prosess of law." "Act Seems to Defeat Itself."

"Indeed, the act would seem to defeat itself," is still another comment

by the court, in which all three judges Referring to the upsetting of rates certain to result from the act, if it became law, the court says: "It is at once apparent that the initiative act, if applied for the regulation of freight rates, will work a very radical change in practically all rates, and require an almost complete readjustment in carload and less than carload rates within

the state." The opinion recounts the origin of the Western classification of freight, which is generally adopted, and sets out the standard percentage relationship of one class to another as recognized and adopted by the Interstate Commission and the Railroad Commission of Oregon. The classification has grown into a usage recognized by the rate regulating authorities, as has the fact that the lesser cost of transportation has rendered the rates on shipment in less than carload higher than carlead rates. Many certain commodi-ties carried in larger quantities are ex-cepted from the classification and take exceedingly low rates called commodity rates. Where commodity rates are pro-vided they become the controlling rate without reference to the classification.

All Provisions Considered.

Not all articles are given carload rates in the classification, the opinion points out, any many carload rates de-pend on the manner in which the arti-

should be approximately \$4 per cent of may be their kind or character, origin the rate on the higher class. The court of shipment or destination. Indeed, points out that however high this the act would seem to defect itself. It

Section 2 of the act makes it incum

less than carload rate. These regula-tions apply to all freight, whether taking a class or commodity rates, but in application under the classification table are found to be incongruous in that the rate fixed by section three for carload rates, based on the fess than carload rate, will not conform to the carload classification contained in the Western classification, the decision sets forth.

Judges are of so technical a character as to be extremely difficult for the harvesting of prunes this year and prices are good.

Yesterday's decision is the result of eight cases involving principles raised by the rate bill, which were brought in the United States District Court by

Effect Pointed Out.

The effect is that the carrier cannot in many cases obtain the maximum rate provided by section three and at the same time adjust its rates according to section one. The first three sections are declared to be incongruous and wholly unreconcilable and impossible to put in practice unless the carrier waives some portion of the maximum percentage of the less than carload rate. The effect is that the carrier cannot

there is but a difference of one class be unlawful to exact compensation for transportation. The act imposed a penload rates under the classification, the effect of the bill in many instances is to make a "spread" of three or four

classes.

Instances are shown by the court where the result is to increase very greatly the rate of carriage for carload; for instance, the present carload rate for the transportation of logs from Wendling to Coburg is \$1.10 per thousand feet. Under the act the rate would be increased to \$4.35.

"Thus it will be found that, in the application of carload rates under the initiative act the opinion reads, "assuming that the less than carload remains the same the rates will be largely increased for the carriage of coal, hay and straw, lumber, brick, sand and stone, livestock and other articles instanced in the bill, while on the other hand there will be reduction as to such commodities as grain, flour, salt, groceries, etc. So that it is a summer to intolation of its terms.

Albany Players Practice.

Albany Players Practice.

ALBANY, Or., Sept. 29.—(Special.)—Florence Macy, daughter of Mr. and Mrs. Walter Macy, of McMinnville, was one of the prize winners in the earling contest held with the Yamhill County School Fair, this week. Florence Macy is 15 months old and won first prize in her class with a percentage of 98.8.

Kackak, R. Archibald, Ritchie, C. Archibald and Williamson, of last year's squad, and Rexford, Gloor, Mickel, Leech, Bass, Beals, D. Glidow, E. Glidow, E commodities as grain, flour, sait, gro-ceries, etc. So that it is at once ap-parent that the initiative act, if ap-plied for the reduction of freight rates, will work a very radical change in practically all rates, and require an almost complete readjustment in car-load and less than carload rates within

Polley of Law Passed By.

The court says it has nothing to do with policy of the law, and can only determine whether it is consistent with itself so that it is susceptible of practical operation, and whether it violates constitutional provisions. Such "an arbitrary or rigid spread is illy adapted for just, aquitable and reasonable non-discriminatory rate making for all commodities and under all conditions,"

the court helds. The court also holds that the act evades the natural and constitutional rights of the carrier and is an attempt under the guise of the exercise of the colice power of the state to make ex-

LESSONS OF MILK SHOW **DECLARED ENLIGHTENING**

Edith Knight Holmes Comments on Addresses and Demonstrations Calculated to Provide Portland With Purest of Product.

of the greatest eduoffered the people of Portland. At
the various booths were to be found
demonstrations and charts that gave
clearly the relative values of milk as
a food, the necessity of keeping milk
and everything pertaining to it absolittly beautiful to Tuber.

He quoted a report of the British
Tuberculosis Commission asserting that
a considerable amount of disease and
loss of life, especially among the
young, must be attributed to the consumption of cows' milk containing tubercle bacilli.

Dr. Pierce also snokmilk a food, the necessity of keeping milk as Dr. Pierce also spoke of the general and everything pertaining to it absolutely clean and showed just how the city health bureaus and the colleges and the delivery was all constitutions. This will be delivery the said 16 per cent was contaminated with virulent tubercle bacilli. and the dairies were all co-operating to give Portland the best milk supply in the world.

The lectures given in the tea room were well attended and the evident enthusiasm of the audiences was an inspiration to the speakers and to all who had helped to make the Milk

The thousands of visitors at the show were all made to realize the great importance of the milk ques-Housekeepers found many helppointers in the booths showing model kitchen, the care of babies and the modification of milk. The school children who attended the show took notes and this week they will be required to write short compositions on the milk show and the prac-tical benefits to be derived from visit-

Baby Demonstration Commended.

The Raby Home's booth with its dainty blue and white beds and pretty babies demonstrated more eloquently than words could tell, the fact that the little ones are well cared for and that they are fed with ideally modified milk. Dr. Joseph Bilderback, Dr. James Rosenfeld and the nurses who have arranged the bottle formulae came in for much deserved praise from visitors at the show.

The Corson Congress of Mothers who Baby Demonstration Commended.

had an attractive booth were kept busy are susceptible to tuberculosis." constantly answering questions that related to the care of the baby, its feeding and clothing. Valuable information was given to

all inquirers at the booths conducted by the Young Women's Christian Asso-ciation, the Portland Health Department, the Oregon Agricultural College, the Woman's Auxiliary of the North Portland Commercial Club and State Dairy and Food Commission. The

Show with an address of welcome, was, with Dr. M. B. Marcellus and Mrs. C. F. Nichols, ex-officio member of all the committees. The executive committee included Mrs. H. M. Bransford, O. M. Piummer, Marshall Dana, Dr. Mary V. Madigan.

"We do not deny," says the court,
"that the Legislature, the people, or
the Ralirond Commission may determine and adopt a reasonable spread as
applied to specific commodities and for
the protection of applied to specific commodities and for the protection of given localities; but that is a very different question from one arising from an edict that a cercles are prepared for shipment.

The initiative bill undertook to change the relationship between the various classes in order that each class applied to all commodities, whatsoever scale be fixed by section one, the act must be construed in compliance with all the provisions of the act.

will either compel the carrier to accept unreasonably low rates on carload lots as it respects some commedities, which as it respects some commedities, which Section 2 of the act makes it incumbent on the carrier to provide a minimum carload weight for each article of freight whether classified or not and section three presupposes that a less than carload rate has also been fixed. Section three presupposes that a less than carload rate has also been with reference to less than carload weight are solved maximum percentage for a carload with reference to less than carload with

Yesterday's decision is the result of eight caess involving principles raised by the rate bill, which were brought in the United States District Court by the Hill and Harriman lines are less than the control of the c the Hill and Harriman lines against the members of the Railroad Commission of Oregon, the Attorney-General and the various prosecuting attorneys. Under the Federal law such a suit must be heard before three judges, and hence was submitted on the complaint and argued before Judges Gilbert, Wolver-ton and Bean.

Wolverton Cites Effects.

In his opinion Judge Wolverton points out that the effect of the first section inum percentage of the less than carload rate.

The court also calls attention to arbitrary and perfectly rigid "spread" or relationship between the carload and the less than carload rates, which applies to all kinds of articles and commodities offered for transportation, whatever their character and regardless of the condition of carriage. Where there is but a difference of one class.

BY EDITH KNIGHT HOLMES.

HE Milk Show which was held in the Meier & Frank Company's Dr. E. A. Pierre who spoke on Saturday of the "Relation of Milk to Tuberday of the "Relation of the "Relation

This is held to prove that all people, both young and old, possess a degree of immunity to the infection. Human Germ Most Radical. "In view of the studies thus far car ried out both here and abroad," said Dr. Pierce, "it would seem best, at the present time, to regard the bacillus of the human type as the cause of the great scourge of tuberculosis and to look upon the bovine bacilius as the cause of definite but much less wide-

spread type of disease."

In a scholarly way the speaker went on to explain the various ways in which the dread disease could be transmitted. He spoke highly of the local conditions as compared with those pre-valling in the East and abroad. From his deductions it was shown that tu-berculosis could be transmitted from the cow to the human being and that it could find its way in the cream and

The Oregon Congress of Mothers who

Patent Foods Analyzed. C. E. Calloway, City Milk Inspector gave interesting details of his experi-ences in his talk "What the Inspectors Do and Why," and Dr. E. J. Labbe told the mothers about the relative values of advertised patent foods and the

modified milk. Committees Arrange Programmes.

The programmes were under the direction of the Woman's Auxiliary of the North Portland Commercial Club, the Oregon Congress of Mothers, the Consumers' League, the State Woman's Libertian Conditions of not prevail as Press Club, the Portland Woman's Club and the Visiting Nurse Association.

Mayor Albee, who opened the Milk Show with an address of welcome, was, with Dr. M. B. Marcellus and Mrs. C. F. Nichols, ex-officio member of all the committees. The executive includes the committees and restaurants of the Mousewife, the co-operation of the Mousewife, the co-operation of the member of all housewife, the co-operation of the member of all housewife, the co-operation of the member of all housewife, the co-operation of the milk shows and its educational crusade, it will not be the committees. The executive includes the committees includes the committees includes the committees and careful.

MILE IN LENGTH.

WHOLES

ADVERTISING AGENCY.

BOTSFORD ADV. Co., Brondway bidg.

AGRICULTURAL IMPLEMENTY.

MILE IN LEWISTON IS

MILE IN LENGTH.

DUBRUILLE BUGGY TOPS.

DUBRUILLE BUGGY TOPS. In the various addresses the doctors

PICKERS REPORTED SCARCE IN CLARKE COUNTY.

Crop Considered Normal and Price Satisfactory, but Brown Rot Is Declared Menace.

VANCOUVER, Wash., Sept. 29 .- (Spe-

CONDON HOMES DESTROYED

Fire Burns Two Houses and Others Are Threatened.

CONDON, Or., Sept. 28.—(Special.)— Fire destroyed two residences and threatened two more here yesterday. The blaze was due to a defective flue

endangered buildings.

COMMISSIONER'S EMBARRASSMENT, SAYS COMMISSIONER AITCHISON.

"The decision of the court annulling the Medford bill considerably clears the atmosphere." commented Clyde B. Aitchison, of the State Railroad Commission. "Ever since the enactment of the act there have been doubts both as to its meaning and as to whether it could be either practically or legally enforced. The result has been merely to embarrass unnecessarily the Railroad Commission in its work.

"At the best, there has been no reason for any such legislation. Existing laws condemn unjust and unreasonable rates and forbid unjust discriminations in every form. If there was ever any reason for the adjustment which the authors of the bill sought to accomplish and which the court has characterized as arbitrary and incongruous,

and which the court has characterized as arbitrary and incongruous, it could have been submitted to the Commission for determination, and if the Commission adopted incorrect principles in passing on the subject, a remedy exists for a review of the Commission's decision in the courts of the state. No such suggestion was ever made to the Commission.

I have talked with many persons who admit having voted for the bill, but have yet one to find who claims to have understood what it was or why he was voting for it. Many have stated that they saw it was 'something which was designed to regulate railroads,' and therefore they voted for it."

Court at Pendleton Declares State Law Does Not Govern Municipal Licenses.

DISMISSALS ARE ORDERED

Similar Suits Will Be Carried to Supreme Court-Governor West's Other Vice Cases Will Be Called for Trial Today.

PENDLETON, Or., Sept. 29 .- (Special.)-In the vice and liquor cases now cial.)—In the vice and liquor cases now before the Circuit Court, Judge Phelps today dismissed the four cases in which the charge was that of selling liquor without a license, on the ground that there is no state law governing licensing within municipalities. The other liquor cases either will be tried in the Circuit Court or the attorneys interested will stipulate as to the facts and take the cases to the Supreme and take the cases to the Supreme Court on a point of law. Judge Phelps holds that the consti-

tutional amendment to the home rule law does not preclude the state from prosecuting for a breach of the Sunday law for the reason that there is a statute against the sale of liquor on Sun-In other words he holds that the

people at large did not intend to take from the state the right to prosecute for a violation of the state laws even though such state law might involvto an extent the regulation of the li-quer traffic within incorporated cities. In the matter of the vagrancy case which had been commenced in the Justice Court and afterward investigated by the grand jury and brought into the Circuit Court, Judge Phelps refused to assume jurisdiction. These cases therefore probably will be tried in the Justice Court

in the Justice Court. The other vice cases will be tried in the Circuit Court, the first one to come up tomorrow, when Governor West's agents are expected to be here to give

LEWISTON, Idaho, Sept. 29.—(Special.)—With a parade a mile long and four bands playing lively music, the 13th annual Interstate Fair was officially opened today. Rain fell last night, laying the dust, and the weather today was perfect.

The parade was led by the Clarkston Rand followed by the Mayor and Coun-

The parade was led by the Clarkston
Band, followed by the Mayor and Counclimen in automobiles. Next came
horsewomen, their mounts decorated
with the Elks' colors, followed by the
Elks' float, with a mounted elk occupying the center of the float. Next
came 250 members of the Elks' Lodge.
A cage containing members of the order and stray bystanders occasionally der and stray bystanders occasionally picked up along the route by scouting parties was a comic feature. The Knights of Pythias and Dokkies were next in line, their costumes mak-

COFFEES, TEAS AND SPICES. CLOSSETT & DEVERS, 1-11 N. Front st. CLARKE-WOODWARD DRUG CO., Alder at West Park

A cigar float came next, then the carnival band. The tandem riders followed. A huge flathron float was next in line with the inscription: "Do it electrically." The Jones & Dillingham float consisted of a new house which the painter was placing paint tinger, of Spokane, removed the tag sold by the firm. from a California registered automobile

The Madison Lumber Company's float was a partially finished house, carpenters being at work. Next was the J. Alexander department store float, day of the theft of an automobile be-

Alexander department store float, which brought forth applause all along the route.

It was occupied by lady employes of the firm, who gave away sample packages of goods sold by the firm.

The Lewiston band, followed by five automobiles, filled with employes of the R. C. Beach department store, came mext, followed by the float of the Lewiston band the language of the same to the police station and the language of the language mext, followed by the float of the Lew-iston Hardware Company and the Lew-iston Fire Department.

Mrs. J. R. Lydon was thrown from her horse while in the parade and sus-tained slight injuries, and Jockey Bartlett sustained severe bruises when his horse stumbled.

The new directory of Milwaukee gives the city a population of 401.124. The directory contains 174.402 names and using the United States census ratio of 2.3 persons to each name, the total population is esti-

ECZEMA 25 YEARS FACE A MASS OF IT

Says "Resinol Cured Me of One of the Worst Cases Anybody Ever Saw."

Philadelphia, Pa .- "I had eczema for the last twenty-five years, and have been afflicted so badly that for weeks I could not go outside the door. My face was one mass of pimples, and not only the looks of it but the itching and burning pains I experienced were just dreadful. I lost a great deal of sleep and had to keep dampened cloths on my face all night to relieve the I had become disgusted with trying different things.

"One day I made up my mind to try Resinol, and after using one jar of Resinol Ointment, and one cake of Resinol Cintment, and one cake of Resinol Soap, I saw the difference, and now my face is as clear as anybody's, and I certainly don't need to be ashamed to go out. Resinol Soap and Resinol Cintment cured me of one of the worst cases of eczema, I guess, that anybody ever saw." (Signed) Mrs. C. Hellmuth, 5811 Appletree St., Sept. 20 1912.

Nothing we can say of Resinol equals what others, such as Mrs. Hellmuth, says of it. If you are suffering from says of it. If you are suffering from itching, burning skin troubles, pimples, blackheads, dandruff, ulcers, boils, stubborn sores, or piles, get Resinol Ointment and Resinol Soap at the nearest druggist's. For free trial, write to Dept. 21-R, Resinol, Baltimore, Md.—Ad

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PORTLAND Van & Storage Co., cor. 15th and Kearney sta., just completed new fire-proof warehouse for household effects, planos and automobiles; contains separate fire and vermin-proof rooms, steam-heated plano room, trunk and rig vanits, track-age for carload shipments; vans or moving, reduced freight rates on household goods to and from East in through cars. Main 5640, all departments.

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OLSON-ROE TRANSFER CO., general transferring and storage, safes, planes and furniture moved and packed for shipment. Teams and auto vans for long-distance moving, 87-59 Front at Main 647 or A 2247.

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15 to \$65 will buy a Gill rebuilt type-writer as good as new; all makes to choose from and worsmanning puaranteed; terms to suit; catalogue mailed on request. THE J. K. GILL COMPANY, 3d and Alder sts. Main 8500, A 5068.

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MILLER SIMINGTON, Calboun Co., 45 4th,

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'ATTORNEYS. Sargent (H. K.) and Swope (F. E.), general practice. Removed to 415 Platt bldg. References: Hartman & Thompson Bank BOAT BUILDING. O. P. GRAHAM-Boatbuilding and repair ing. Marine ways, foot Abernethy st. CARPET WEAVING.

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H. M. HOUSER, Board of Trade bldg.
NORTHERN GRAIN & WHSE Co., Br. Td.,
THE W. A. GORDON CO., Board of Trade. GROCERIES, ALLEN & LEWIS (Est. 1851), 46 N. Front WADHAMS & CO., 69-75 4th st.

HAIR GOODS.
PORTLAND HAIR GOODS CO.
WHOLESALE ONLY. 411 DEKUM BLDG. HATS AND CAPS. THANHAUSER HAT CO., 53-55 Front st.

BICYCLES, MOTORCYCLES & SUPPLIES BALLOU & WRIGHT, 7th and Oak streets POPE—F. P. Keenan Co., 190 4th street. I. H. Klosterman & Co., leading hay dealers. HIDES, FURS, FELTS, WOOL, TALLOW. BILLIARD AND POCKET TABLES. Brunswick-Balke-Collender Co., 46 Fifth st. HIDES, PELTS, WOOL AND FURS. KAHN BROS., 181 Front st. BREAD BAKERY.
Royal Bakery & Conf., Inc., 11th and Everett

M'NEFF BROTHERS, 614 Worcester bldg IRON WORKS,
PACIFIC IRON WORKS,
East 3d and Burnside sts.
ALL ARCHITECTURAL IRON,
CASTINGS.

PLATES. LEATHER AND SHOE STORE SUPPLIES. CHAS, L. MASTIC & CO., 74 Front; leather of every description, taps, mfg. findings,

KODAKS AND PHOTO SUPPLIES, PORTLAND PHOTO SUPPLY CO., 149 34. LOGGING MACHINERY. P. B. MALLORY & CO., 281 Pine st.

ARC LIGHTS NUMBER 3010

WIRE AND IRON WORKS, Portland Wire & Iron Wks., 2d and Columbia and they stole one from another car on the boat. The owner observed the gand, of the public utilities department, action and telephoned to the police. after a survey of the lighting system Detectives Howell and Hellyer met the of the city. The report and a chart acboat and arrested the lads, one for companying it will be used as a basis driving an unlicensed machine and the for determining where about 1000 more other for yearsancy. Companying of the lights will be established next year. driving an uniformsed machine and the other for vagrancy. Comparison of the selzed machine with a description sent by the Spokane authorities led to the identification of the stolen car.

The machine was taken from the corner of Stevens street and Riverside avenue, a block from the center of Spokane.

The machine was taken from the corner of Stevens street and Riverside poses to place the new lights where they are needed most. Provision will be made in the annual budget for this installation and maintenance of probability wors them.

was in Portland yesterday on a business trip, and when he read of the arrests he went to the police station and claimed his automobile.

The young men were aboard the Balley Gatzert from The Dalles with the machine, which had no license tag, shown in a report on lighting which

ably more than 1000 new lights in 1914

\$1.50 Round Trip Portland Day, Thursday, Oct. 2

SPECIAL TRAINS

Oregon State Fair

FROM PORTLAND

Tuesday, Sept. 30 Thursday, Oct. 2 Friday, Leave Union Depot..... 8:10 A. M. | Arrive Fair Grounds..... 10:15 A. M.

Wednesday, Oct. 1 Oct. 3 Saturday, Oct. 4

Leave East Morrison..... 8:20 A. M. Arrive Salem 10:20 A. M. RETURNING Leave Salem 5:20 P. M. Arrive Portland 7:50 P. M.

Leave Fair Grounds..... 5:40 P. M.

OTHER SALE DATES September 30; October 1, 2, 3, 4 \$2.00 ROUND TRIP

(Return limit October 8) ALL TRAINS DIRECT TO FAIR GROUNDS

John M. Scott, General Passenger Agent.