

STATE'S RIGHT TO FIX RATES UPHOLD

Supreme Court Holds Public Service Body May Act Despite Franchises.

WOODBURN CASE REVERSED

Sovereign Power Over Municipalities by Virtue of Police Power Regardless of Contractual Agreement is Upheld.

SALEM, Or., Dec. 5.—(Special.)—The state still is a sovereign power over municipalities and that the Public Service Commission of Oregon may regulate rates in municipalities by the exercise of the police power regardless of contractual agreement between a municipality and a public service corporation, is the holding in an opinion of the Supreme Court today.

The case in question is that of the City of Woodburn as plaintiff and respondent against the Public Service Commission of Oregon and the Western Telephone Company as defendant.

Right to Limit Franchise Upheld.

The opinion sets out that the city of Woodburn through its legal electors in 1909 exercised the right of home rule, as conferred upon it by the so-called "home rule" amendment, and amended its charter, giving it power to grant franchises for certain public uses.

The right of the state to regulate rates by compulsion is a police power, and must not be confused with the right of the city to exercise its contractual power to agree with a public service company upon the terms of its franchise, recites the opinion.

The exercise of a power to fix rates by agreement does not include or embrace any portion of the power to regulate rates by compulsion.

When Woodburn granted the franchise to the telephone company the city exercised its municipal right to contract, and it may be assumed that the franchise was valid and binding upon both parties until such time as the state chose to speak.

Decision of the Circuit Court of Multnomah county, affirmed in the case of W. C. Sorsby, plaintiff and respondent, against W. Paul Benninghoven, defendant and appellant, D. R. Parker, who was the judge sitting in the lower court.

Other decisions were: Ella Clayton vs. Enterprise Electric Company, appellant, from Walla Walla county; action for damages, opinion by Justice Bean; Circuit Judge Knowles' judgment for plaintiff affirmed.

M. S. Doestler vs. First National Bank of Roseburg, appellant, from Douglas county; action to recover balance due on an alleged deposit, opinion by Justice Beattie; Circuit Judge Hamilton's judgment for plaintiff affirmed.

Notions for damages were denied in Hancock Land Company vs. City of Portland, State ex rel vs. Evans and Cormack vs. Cormack.

N. V. Sorenson, plaintiff and respondent, vs. Frederick A. Kribs, defendant and appellant, appeal from Multnomah County, C. L. Gustenbich, judge; action for damages. A verdict was given for the plaintiff and the defendant appealed.

The case of N. V. Sorenson against Frederick A. Kribs, appellant, decided yesterday by the Supreme Court at Salem, was in reality its judgment against C. P. Bratnaber, a wealthy citizen of Minneapolis, for whom Mr. Kribs fought the case through the courts.

The award of six silver cups in the rabbit division of the eighth annual show of the Oregon Poultry and Pet Stock Association that held forth for the second day this week in Portland yesterday attracted an increased attendance of fanciers, breeders, entrants and other admirers.

The cup offered by the Oregon branch National Pet Stock Association for the best Rufus Red was won by O. F. Goettel, of Newberg.

The New Zealand entered by Young's Rabbitry, of Milwaukie, won the second cup offered.

The trophy for the best Flemish went to O. F. Goettel, of Newberg.

The best fancy rabbit was entered by Mr. and Mrs. J. D. Inlow, of 774 East Twenty-fifth street, and captured the next trophy.

Edgar Kline, of 515 Chapman street, was awarded the silver cup for the best cavy in the show.

The L. S. Ellermann award was made to Joseph Cordano, of 705 Hood street.

The prize offered by C. S. Gibson, of Detroit, Mich., who is judging in the rabbit department, has not yet been awarded, but probably will be given today.

O. F. Goettel, Newberg, captured the honors for the best Zealand Red buck in the show in the property of Charles A. Carter, of 1600 Newell street, city.

Rabbitry, Milwaukie, took the award for that division.

The following awards were made yesterday:

Single-Comb Black Minorca. Cook—First, W. Pinner, city; second, O. R. Winters, Newberg, Or.; third, D. B. Wood, city; fourth, N. L. Wiley, Rex, Or.; fifth, C. A. Lewis, Oak Grove, Or.

Rose-Comb Black Minorca. Cook and hen—First, Mount Angel College, St. Benedict, Or.

White Minorca. Cook—First, H. Kinzer, Lakeview, Wash.; second, Mrs. E. H. Alderman, city; third, William Tupper, Hillsboro.

Blue Andalusian. Cook, hen, cockerel and pullet—First prices, V. Kate Hamilton, San Gabriel, Cal.

Golden Campine. Cockerel—First, second, third and fourth, Edward Ely, Golden, Or.

Silver Campine. Cook—First, Walter Young, Oregon City; second, Christian Meyer, Oregon City; third, Walter Young, Oregon City.

Nicholas Bantam. Cook—First, J. D. Drake, Silverton, Or.; second, Albert W. Bottemiller, Ridgefield, Wash.; third, Mrs. E. R. Thompson, Fairview, Or.; fourth, J. D. Drake, fifth, E. R. Thompson.

Single-Comb Anasas. Cook—First, J. D. Drake, Silverton; second, A. W. Bottemiller, third, E. R. Thompson; fourth, A. W. Bottemiller; fifth, J. D. Drake.

Light Brahma. Cook—First, second, Ed Shearer, Estacada, Or.; third, T. A. McDonald, Tigard, Or.

Salmon Faverole. Cook—First, Eugene P. Prescott, Salem, Or.

Pit Game. Cook—First, Jack Thompson, city; second, J. P. Limerick, city; third, P. F. Balfour, city; fourth, J. P. Limerick, city; fifth, J. P. Limerick, city.

Black Sumatra. Cook—First, Mount Angel College, St. Benedict, Or.

Black Sumatra Games. Old pen—First, J. B. Taylor, Boyd, Or.

Muscovy Ducks. Old drake—First, Thomas E. Gault; second, A. H. Rasmussen.

White Pekin Duck. Drake—First, McKenna Brock, city.

Bronze Turkey. Cockerel—First, Dr. H. C. Wilson, La Fayette, Or.; second, M. A. Clark, city; third, Dr. H. C. Wilson.

RABBIT DIVISION. Rufus Red Belgian Hare. Senior buck—First, second and third, Joe Cordano, city.

New Zealand. Senior buck—First, Charles A. Carter, city; second, Frank D. Hatterscheid, city; third, O. F. Goettel, Newberg.

Flemish Giant. Senior buck—First, Earl D. Sturrock, Port Townsend, Wash.; second, E. B. Charters, city; third, W. B. Brown, city.

Angora. Junior buck—First, Frank D. Hatterscheid, city; second, Frank D. Hatterscheid, city; third, Brentwood Rabbitry, Milwaukie.

Himalayan Rabbit. Senior buck—First, second and third, Edgar Kline, city.

English Lop Ears. Senior buck—First, Mr. and Mrs. J. D. Inlow, city.

English Rabbit. Senior buck—First, Charles A. Kilgore, city.

Cavies. All awards to Edgar Kline.

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Bigger, better, and more chicks with a Buckeye Incubator.

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No Sale Ever Gets So Big That It Cannot Be Made Bigger

Closing Out Nicholls Piano Co., Frisco Stock Pianos

With this aim squarely in front of us this Christmastide, we have planned as never before—the results are seen in part by this array of fine Pianos, including the Exposition Piano, as already advertised, and unprecedently reduced prices. Never have piano bargains quite so alluring in quality been placed at your disposal.

EVEN AT THESE TREMENDOUSLY REDUCED PRICES

Reduced Terms: \$5 Sends Piano, \$10 Sends Player-Piano Home

Table listing piano models and prices. Columns include 'OUR USED PIANOS', 'OUR 1915 MODELS', 'OUR 1916 MODELS', 'OUR 1917 MODELS', and 'OUR 1915 PLAYER-PIANO'. Prices range from \$65 to \$690.

USED PIANOS AND ORGANS \$15, \$25, \$35, \$45, \$55, \$65, \$75, \$85, \$95, \$105, \$115, \$125, \$135, \$145, \$155, \$165, \$175, \$185, \$195, \$205, \$215, \$225, \$235, \$245, \$255, \$265, \$275, \$285, \$295, \$305, \$315, \$325, \$335, \$345, \$355, \$365, \$375, \$385, \$395, \$405, \$415, \$425, \$435, \$445, \$455, \$465, \$475, \$485, \$495, \$505, \$515, \$525, \$535, \$545, \$555, \$565, \$575, \$585, \$595, \$605, \$615, \$625, \$635, \$645, \$655, \$665, \$675, \$685, \$695.

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We will send a car to your home if you want to see our stock. Call Main 5253 and our automobile will be at your service; no charge.

FREE RAILROAD FARE

We will bear the railroad expense to Portland and return from anywhere within 200 miles if you purchase a piano.

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This is your opportunity, as we pay freight and deliver to your home at our expense during time of this sale. It is safe and satisfactory to buy any of these pianos by mail or phone, particularly since our proposition to exchange within one year virtually gives you one year's trial of the piano.

Every Piano or Player-Piano purchased carries with it the Schwan Piano Co. guarantee of satisfaction, as also the usual guarantee from each manufacturer of these musical instruments. Open Evenings During This Sale.

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SHELL KILLS AMERICAN

ITALIAN HAS 22 CITIZENS OF UNITED STATES ABOARD.

Armed Steamer Palermo Attacked Off Spanish Coast—Survivors Are Landed at Palafrugell.

MADRID, via Paris, Dec. 5.—The Italian steamship Palermo, with 22 Americans aboard, has been torpedoed off the Spanish coast.

One sailor, reported to be an American, was wounded by a shell and died in a hospital at Palafrugell, Spain, where the survivors were landed. Three others were seriously wounded by the torpedo.

Vancouver to Have Balance.

VANCOUVER, Wash., Dec. 5.—(Special.)—When the bills for the city government for 1916 have been paid there will be a balance on hand of \$169 to \$200, it was shown by a report to the City Council last night.

The budget for the year was \$41,131 and the expenditures will approximate \$41,000.

FRANK ROGERS IS FAVORED

Rotary Club Wants Him Appointed as Probation Officer.

Frank Rogers will be recommended to Judge Taxwell for appointment as probation officer for the Juvenile Court.

The Rotary Club took up the idea yesterday, on announcement of the plan by J. C. English and will wait upon the judge at once and lay the case before him.

His fellow Rotarians regard Mr. Rogers as especially qualified for the office, through his long experience in helping and advising boys who had come up against the Juvenile Court.

Mark Woodruff appeared at the luncheon of the club yesterday at the Benson and outlined the merits of the plan adopted by cities of the Northwest.

The Mazamas had general charge of the program, with Frank Branch, Riley chairman of the day, Robert Hitch and Rodney L. Gilsen were speakers. Stereoscopic views were shown at the close of the program.

Noted for its Famous Golf Course Foremost among Winter resorts of California. Fully situated in the most beautiful section of Pasadena overlooking San Gabriel Valley. Golf course on own grounds; unequalled facilities for all out-of-door sports. American plan.

Walter Raymond, Prop.

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FAMOUS CALIFORNIA HOTELS HEALTH & WINTER RESORTS

SPEND the WINTER in CALIFORNIA

Table showing Average Weekly Temperatures of Leading California Resorts for Week Ending Saturday, November 25, 1916. Columns include Max. Min. Mean for various locations like Los Angeles, Arrowhead, Long Beach, Hollywood, Ocean Park, Venice, Pasadena, Santa Barb.

Hotel Clark LOS ANGELES

Hotel Virginia Long Beach Southern California

Hotel Hollywood LOS ANGELES

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