GRANT SAYS ROAD VIOLATES CHARTER

City Urged to Treat Southern Pacific as Original Franchise Applicant.

AGREEMENT HELD BROKEN

Attorney Declares Company Refused to Abide by Terms at First Accepted in Fourth-Street Trackage Right Controversy.

Declaring that the Southern Pacific Company has refused to abide by an agreement with the city for the settlement of the Fourth-street franchise controversy, City Attorney Grant has written an opinion for the City Council in which he recommends that the company be treated as though it were originally applying for a franchise, requiring it to conform strictly to the provisions of the city charter.

Attorney Grant declares that the railroad company fully agreed a short time ago to settle the whole controversy by applying for a new franchise subject to a common-user clause, relinquishing its claims to a perpetual franchise and agreeing to dismiss the litigation against the city, but that the plan was wrecked when W. C. Benbow, ex-Deputy City Attorney, introduced in the Council a recommendation that the company's tracks be ousted from Fourth street, which recommendation was passed by unanimous vote.

"When this action was taken, without my knowledge or consent," it wrecked my entire plans," said Mr. Grant yesterday. "The company officials changed their minds on what had been agreed to and efforts to get them in line again have been of no avail. They will agree to none of the things they accepted before that resolution was introduced and passed by the Council. They believe, I suppose, that it was an effort to double-cross them."

In his written opinion to the Council regarding the franchise asked for by the company on Fourth street Attorney Grant says in part:

"After this ordinance was referred to me I suggested to the officers of the Oregon & California Railroad Company in this city and in San Francisco that the company apply for a franchise on Fourth street in strict accordance with the provisions of the present city charter, namely, a franchise for 25 years for two tracks, subject to a common user thereon, and that it relinquish its claim of a perpetual franchise on said street and dismiss the litigation now maintained against the City of Portland.

Company Rejects Suggestion.

"This, in my humble judgment, was the only sensible way in which to settle this long-drawn-out controversy, and the only fair way for the company to treat the city, but after many conferences, extending over a period of weeks, the company has positively refused to accede to my suggestion, and so far as I know will continue to litigate with the city the question of whether it can be required to remove its steam locomotives from the street and the question of the perpetuity of its franchise, although it is now seeking further favors from the city by asking for a franchise for another track on Fourth street in accordance with the provisions of the charter, sustaining, as I view it, inconsistent positions so far as the public is concerned. It refuses to meet the city in a fair manner as to the settlement of past difficulties and yet it seeks valuable favors.

"I have amended the proposed franchise by striking out all reference to the dispute between the city and the company and I have redrafted the provisions thereof so far as they relate to that matter and I see no legal objection to the Council enacting the ordinance as I have amended it, because it is provided by the charter that the acceptance of a franchise ordinance must be unconditional and unqualified and this ordinance so provides, and it further provides that it is subject to all the terms, provisions and conditions contained in the charter of the City of Portland applicable thereto. Therefore, if the Oregon & California Railroad Company accepts the franchise as now drafted, its acceptance operates, in my opinion, as an express waiver of any rights that it may have on Fourth street.

Franchise Rights Repealed.

"In fact, it has been publicly stated to you by Mr. Fenton before the street committee, that he had advised his company that there is grave doubt in his mind as to whether this was not the position in which his company would be placed by the acceptance of a franchise. In my mind there is no doubt that this would constitute an express waiver. Of course, it would be better for the city if all doubt was positively cleared up, for if the franchise is granted in the form in which it was presented it will leave the matter open for the present or subsequent litigation to be determined.

"The Council must bear in mind that it has repealed ordinance No. 599, the ordinance under which said company claims to exercise franchise rights. It repealed the ordinance, however, on the theory, not only that it was a revocable permit, but that the company in and by virtue of its disobedience to the express reserved powers in said franchise, had disobeyed said reserved power, namely, it had refused to remove its locomotives from the street when so ordered.

"The power to cause this removal was reserved in said ordinance No. 599. The company resisted the enforcement of said order in the Federal Court. The Federal Court decided against the company, but restrained the city from in any way interfering with the operation of trains on said street until that case could be decided by the Supreme Court of the United States. This injunction prevents the city from taking any steps at all to cause the complete removal of the railroad from the street.

Wilful Disobedience Charged.

"If the city is successful in the Supreme Court of the United States, and I see no reason why it should not be, it has then established its right to repeal ordinance No. 599 and in that event the company is without any rights whatsoever upon the street, because it has disobeyed said regulating ordinance, and its disobedience is wilful.

"Having all of these matters in mind it seems to me that the only logical thing for the city to do is to treat this company as though it were originally applying for a franchise on this street and require it to conform strictly to the provisions of the charter, but, as I have heretofore stated, my efforts to bring about this result have not been fruitful."

Attorney Grant has amended the original proposed franchise in a number of details, including the train schedule during rush hours, the right of the city to acquire the property of the company at the expiration of the franchise if desired, the right of other companies to use the tracks and giving the city the right to repair or lay watermains under the tracks wherever desired.

DEER HUNTERS ARE HAPPY

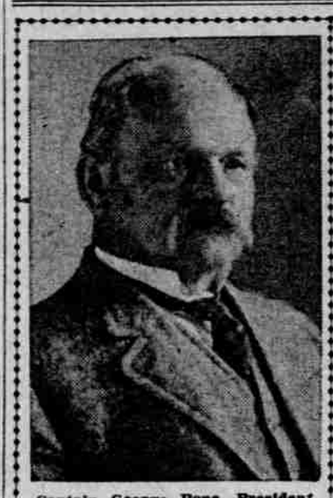
Animals More Plentiful This Season Than Ever, Is Reported.

"Deer are more plentiful in the Oregon forests this season than they have been in years," said E. S. Cattron, chief clerk in the game warden's office, yesterday." I base my statement on reports from wardens in all the big hunting grounds and especially on those from Curry, Douglas, Jackson and Josephine counties.

"Despite the ravages of cougar and mountain wolf, Portland hunters will find better pickings when they begin to go into the hills August 1 to kill these slender, swift animals than they have found for some time. Men who used to come over from California and slaughter hundreds of deer merely for their hides have been stopped completely by a posse of men especially assigned to this work and lawbreakers in every locality have been strictly and swiftly punished. Furthermore, this office will continue to insist that the state game laws be enforced in every case and regardless of whom this enforcement may effect.

"From Mt. Hood, Nehalem, Scappoose, Columbia County and Klamath County come reports that are highly encouraging to the deer hunter this year. Malheur, of course, is the antelope territory and the killing of antelope is taboo now, but there will be other game in abundance in this county also.

"War is being waged upon all animals which have proved destructive to deer and hunters may be encouraged by a larger bounty to eliminate the cougar, the worst killer of them all."



Captain George Pope, President of the Oregon Sweet Pea Society.

PRAISE FOR OREGON ROADS

City Health Officer Likes Home Highways After Indiana Trip.

City Health Officer Wheeler, who returned during the week from a tour through Eastern states, had experiences with roads there that made him glad to be back in Oregon. While on his visit he spent several days on the farm that was the scene of his boyhood, near Dillsboro, in Southern Indiana, and attended the golden wedding anniversary of his brother who now conducts the home farm. It was while traveling about the farming districts in that locality that he had his intimate acquaintance with the roads.

"Roads!" said Dr. Wheeler. "Why, those people there don't know what good roads are. I told them to come to Oregon if they wanted to see how a road ought to be made.

"They have the old turnpikes, and all the rocks found in the fields and elsewhere are gathered and dumped on the road at specified intervals. These rocks are dumped in heaps called 'perches,' several feet apart. Men are hired at so much per perch to break up the rock into pieces not smaller than one's fist, and these are spread over the roadbed. Travel is relied upon to solidify and smooth out the bed."

Mrs. James Seriously Ill.

SALEM, Or., June 22.—(Special.)—Word was received here today from Newport that Mrs. C. W. James, wife of the recently deposed superintendent of the state penitentiary, is dangerously ill at that resort. She is the mother of Mrs. Tom R. Wilson, wife of the bookkeeper at the prison.

PRIZES TO BE GIVEN

Oregon Sweet Pea Society to Hold Exhibition.

CLASSES ARE ARRANGED

Rules Adopted by National Organization Will Govern Judging in Show Which Will Be on July 9 and 10.

Classification of the various entries for the annual exhibition of the Oregon Sweet Pea Society, to be held on the second floor of the Courthouse, July 9 and 10, has been made by a committee and the prizes to be awarded in the several events have been announced. The rules as adopted by the National Sweet Pea Society of America will govern the judging.

Points in scoring will be apportioned as follows: Length of stem, 35; color, 20; size, 25; substance, 15; number of flowers on one stem, 10; total, 100. The National Society considers that an ideal bouquet of sweet peas consists of not more than 25 sprays. The judges will be instructed to regard the overcrowding of a vase as a fault.

Two Classes Provided.

The classification provides two classes for commercial growers and florists, for the best general exhibit of Spencers and Grandifloras, for which a gold and a silver medal are offered, and the best appointed table decoration, for which two trophies are offered. The classification provides 11 entries for amateurs, and three for juveniles, for which trophies are offered.

All exhibits must be in place by 9:30 o'clock on July 9, and exhibitors are requested to use only clear glass for vases. The exhibit will open at 12 o'clock, noon, and there will be no admission charge. The secretary will be in attendance at the County Commissioner's room on the second floor of the Courthouse on July 8, after 10 A. M., for the purpose of receiving entries. All persons who intend to exhibit sweet peas are urged to attend the meeting to be held prior to that date.

George Pope, president of the Sweet Pea Society, is one of the most enthusiastic growers of that flower in the city and has had much to do with the success of the organization.

The complete classification is as follows:

Commercial Growers' and Florists' Section.

Class "A," best general exhibit Spencers and Grandifloras—First prize, gold medal; second prize, silver medal.

Class "B," best appointed table decoration—First prize, trophy; second prize, trophy.

Amateur Growers' Section.

Class "A," best vase each of purple and white without foliage when accompanied with one vase of mixed Spencers or Grandifloras, 15 stems or more, self and other foliage allowed in mixed vase—First prize, Elks' convention trophy; special prize, Routledge Seed Company trophy.

Class "B," best eight vases of named Spencers of 10 or more stems each without foliage—First prize, Portland Seed Company, grand challenge trophy; second prize, special trophy.

Class "C," best six vases of named Spencers—First prize, Routledge Seed Company trophy; second prize, special trophy.

Class "D," best vase of 10 or more stems purple Prince Spencers—Prize, J. J. Butzer trophy.

Class "E," best vase of 10 or more stems White Spencers—Prize, J. J. Butzer trophy.

Class "F," best five vases of 10 stems Picotee edged Grandifloras—Prize, J. J. Butzer trophy.

Class "G," best vase of 10 or more stems Red Spencers—First prize, trophy; second prize, trophy.

Class "H," best vase of 10 or more stems Pink Spencers—First prize, trophy; second prize, trophy.

Class "I," best vase of 10 or more stems of either Purple or Lavender—Prize, trophy.

Class "J," best vase of Cream or Primrose Spencers, 10 or more stems—Prize, trophy.

Class "L," best exhibit of any variety made by any city, town or hamlet outside of Portland by a club or association of individuals as such, amateur growers only—First prize, Oregon intra-state trophy; second prize, special trophy.

Juvenile Section.

Class "A," best exhibit of one vase each of Red, White and Blue or Lavender, 10 stems—First prize, trophy cup; second prize, trophy cup.

Class "B," best vase of mixed Spencers, 10 or more stems—First prize, trophy; and six special prizes.

Class "C," best water color painting of six Sweet Peas, either Spencers or Grandiflora type drawn from nature, with foliage, on cardboard 8 by 10 inches—First prize, $5; and five special prizes. This entry is open to any pupil of the public schools under 18 years of age.

All exhibitors must be either members or associate members except children who are members by right of birth, but can only exhibit in their class.

All intra-state exhibitors or association exhibitors must become members to compete. Membership fee is $1 a year; associate membership, 50 cents a year.

Classes "A," "B" and "C" are reserved for members only.

Iowans at Ashland Hold Reunion.

ASHLAND, June 22.—(Special.)—The second annual picnic and reunion of the Iowa Society was held this afternoon, in Grand Army hall instead of Chautauqua Park, owing to inclement weather. About 150 members and invited guests were present. The association now numbers over 125, and not only natives but former residents of Iowa are eligible to membership. The following officers were elected for the ensuing year: President, Rev. W. A. Schwimley; vice-president, C. B. Lamkin; treasurer, E. V. Carter; secretary, W. H. Day.

The success of the stepless car on the street railways of New York has led to the placing of an order for 150 cars of this type.

does not demand the every-day response to the factory whistle, or taking one's place behind the counter or at the desk. There's another and a more remunerative way that has a strong appeal to the average man of the city—an opportunity to reap real reward for his efforts—not great financial reward, but the reward of peace, plenty and contentment. It's the farm home—the chance to work in the open and for one's self rather than for others—to create something—to sow and to reap. It means independence for the man who is ready and willing to work with nature and accept the quiet of the country lane and field in place of the restraint of city employment and the hustle and bustle of the city street.

And yet you might ask: "How can I realize all this?" We've a ready answer for the man who is willing to save a few dollars each month, for our proposition to furnish you sufficient land for a farm and orchard home is so liberal as to make it possible for the man of small means to do so right away. It's a tract of, say, ten acres or more down at

Columbia ACRES "DOWN THE RIVER"

where natural resources and conditions for the development and maintenance of a farm and orchard home are all that could be desired. The home-maker who takes up a tract here has a combination of advantages that few sections can claim — **FERTILE SOIL, PURE WATER, WEALTH OF FUEL, DELIGHTFUL SURROUNDINGS, GOOD ROADS, SPLENDID TRANSPORTATION FACILITIES, SCHOOL AND CHURCH, PROGRESSIVE NEIGHBORS.** Ideal homesites and easily cleared.

COLUMBIA ACRES lies about 2½ miles west of Goble, Or., and is reached by a fine macadam road with a grade no greater than Washington street in Portland. The prices of land in this fertile section have not advanced one cent from their initial prices, even though **COLUMBIA ACRES** has shown a marked development in the past few months, which means that land here is worth a great deal more than what we are asking for it. Now and not later is the time to take up a tract. You can do so by making a small first payment and a little each month. Come in and get acquainted with us—learn how easy we have made it for you to own a tract. The present prices are:

$40 to $60 an Acre

—any number of acres to the buyer. With its many advantages, the price and the terms, we say that it would be difficult to do as well elsewhere.

Our Office Open Saturday Evenings Until 8:30

Cut This Out, Sign and Mail to Us at Once.

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Kindly send tract map and other matter pertaining to Columbia Acres.
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DYING CHILD PLEADS

DAUGHTER OF WOMAN WHO SHOT UP COURT WASTES AWAY

Grand Jury Asked to Hurry Hearing of Seattle Woman Who Fired at Supposed Son-in-Law.

Pleas of a dying daughter for quick action on the case of Mrs. Anna Johnson, who "shot up" the Municipal Courtroom last week in an effort to kill her daughter's putative husband, are being received by the District Attorney from Seattle, where Mrs. Johnson's daughter is said to be dying of tuberculosis. A letter was received yesterday from Dr. C. L. Bonham, 4332 Fourteenth avenue Southeast, Seattle, who says that the daughter needs her mother's presence.

Mrs. Johnson is at the County Jail, held to answer to the grand jury, which is now in session. Her act followed the arrest of Avery C. Grey, a youth, who, she alleges, committed polygamy by marrying her daughter, 13 years old, when he had a wife living in Denver.

Grey asserts that the first marriage has been annulled. The first wife has been sent for to determine this point. Mrs. Johnson drew a revolver on Grey as he was being led back to the prisoners' box, and fired three shots into the crowded courtroom, but none took effect, owing to the vigilance of Patrolman Long, who seized her arm.

FIREMEN HAVE CLOSE CALL

Nine Men Thrown From Ladder Truck Escape With Few Bruises.

Nine firemen, riding on a big ladder truck responding to a fire alarm at Fourth and Yamhill streets, yesterday morning, were thrown to the street and by a remarkable chance escaped serious injury, when the big truck was struck and bowled over by another piece of apparatus.

Misconduct of one of the trusty horses attached to the truck was the cause of the accident. The horse shied, throwing the apparatus off of its track and forcing the driver, Louis J. Norris, to make a quick turn. This brought his machine directly in the path of the engine, driven by Charles Pierce, who was unable to avoid the collision. Norris, Gus Barks, the tillerman, and George Carlson, sustained slight abrasions. The other members of the crew, though caught under the machine, escaped without injuries.

WHY SUFFER WITH
EPILEPSY
Fits or Falling Sickness?

Read the following words of praise from grateful patrons and let us mail you scores of other indorsements. Let us prove to you that what they say of our treatment is true and entitled to your support and belief.

"This is to certify that I have been a sufferer from epilepsy for a number of years. My sister saw your ad, and advised me to try your medicine. I did so, and can truthfully say it does all it claims, if not more. Believing it to be a Godsend, and that this testimony may be used to help some poor afflicted one." FRANK J. STEWART, 1053 53rd st. Oakland, Cal.

"I was cured of Epileptic Fits 14 years ago by Dr. Town's Epilepsy Cure, and have never had a fit since. I am very thankful for what he has done for me, for I know he has saved my life." WM. ANDRES, Echo, Oregon.

"Your Epilepsy Treatment is no doubt a wonderful cure. My wife was afflicted over six years. After first dose she never had a spasm. She always had from six to 20 fits a month, but now she is a well woman." FRED RUSSELL, 201-Placer St. Cripple Creek, Colo.

Send for our Booklet. It is FREE.
TOWNS REMEDY CO.,
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BEST ON EARTH

That's Corvallis Butter—the finest example of the Creameryman's art. Freshly churned and uniformly good.

Made in the heart of the Willamette Valley, the famous dairy region.

The coupons, packed with every roll, entitle you to a handsome set of Gold Band China.

CORVALLIS CREAMERY CO.
224-226 SALMON STREET,
Portland, Oregon

SPECIAL NOTICE

The Peoples Market and Grocery Co.

whose premises were destroyed by "FIRE" Saturday morning, will be open for business at 6 A. M. Monday morning at

208 and 210 First Street

3 Doors South of Their Old Store, in Same Block

The same prices as advertised in Friday's Telegram and Journal will prevail all this week. Also same old phone numbers—see Phone Books. Our stock will be entirely new and complete.

RECORD SHIPMENT OF PINEAPPLES RECEIVED IN PORTLAND.

PART OF FOUR CARLOADS OF FRUIT, LARGEST LOT EVER BROUGHT TO THIS PART OF COUNTRY.

Portland is not only one of the greatest deciduous fruit markets in the country, but in the last few months has become the largest pineapple market in the West. More pineapples are now consumed in and distributed from Portland than any other city on the Coast, and this in spite of the fact that Portland has no direct steamer service with Hawaii, where nearly all the pineapples come from.

Two carloads reached this city yesterday by way of San Francisco, and two cars are due in a day or two. This shipment of 1100 crates is the largest ever made to this part of the country. Only a short time ago a shipment of a dozen crates would have been sufficient for this market.

Then pineapples retailed at 50 to 75 cents each, but now they sell at 15 to 25 cents, and are no longer a luxury. They are used extensively for home canning in connection with apricots, which are now coming in season.

Nearly all the pineapples brought to this section are grown on the Clark plantation, in Oahu, Hawaiian Islands, which is said to be the largest pineapple farm in the world. A large part of the plantation's product is put up in the liquid form of nectar.