

COMPANY MUST LAY KIND OF PAVEMENT CITY WANTS

That the city can compel the Portland Railway, Light & Power company to lay any kind of a pavement the city orders between the company's tracks and for a reasonable distance outside, is the opinion of City Attorney J. P. Kavanaugh in a communication to the street committee of the city executive board. The opinion was given at the request of the committee following the communication of the company to the mayor, council and executive board notifying the city officials that the company would in the future lay only such pavement between its tracks as is laid on the balance of the street.

For years the city has compelled the company to use Belgian blocks between the tracks and for one foot outside of the rails. This was done in order to have a strong pavement and base in the immediate vicinity of the tracks to withstand the vibrations of the passing cars. Several weeks ago the company notified the city that it would no longer submit to the extra expense, City Attorney Kavanaugh, however, is of the belief that the city can force the company to lay such pavement as the city desires under the provisions of the company's franchise and the city charter under which the franchise was granted and under the present charter.

Ready to Enforce Provision.

Furthermore, Mr. Kavanaugh stated that he was prepared at any time to proceed to compel the company to make the improvements. His opinion follows:

"The street committee of the executive board has referred to me the protest of the Portland Railway, Light & Power company against the improvement of certain streets, and requests a report thereon.

"By this means the company serves notice on all city officials that it will hereafter not improve portions of streets on which it holds franchises between the rails, between the tracks and for the width of one foot beyond the outermost rails, with any kind of pavement or improvement other than the kind with which the street is paved or improved.

"This communication directs attention

to several franchises the company now owns, and special reference is made to several streets where improvement proceedings are pending and on which the city is attempting to compel the company to improve the portions of the streets it is required to improve and maintain with a different kind of improvement to that laid by the city on the same streets. The company also protests against being required to lay rails weighing more than 80 pounds to the yard on a street where a concrete foundation, or other foundation, is laid or may be hereafter laid by the city.

"So far as I am advised, the city has ordered a different kind of improvement only between the tracks and for a distance of one foot beyond the rails of each track.

City Holds Whip Hand.

"I have made a careful investigation of the franchises now owned by this company, the charters under which said franchises were granted and the provisions of the present charter relating to franchises that were in existence and operation at the time it went into effect.

"Experience has demonstrated that the weight and vibration of cars, operated on street railway lines, subject the improvement between the tracks and for a short distance outside of the rails, to a greater stress and wear than the improvement on other portions of the streets.

"I have given this question very careful consideration, and I am of the opinion that the position taken by the company is untenable and that the city can require it to improve the streets between the rails and for a reasonable distance outside of the rails with a kind of improvement different from that laid on the other portion of the street. This power should be reasonably exercised for a short distance outside of the rails, but within the limits of reasonable expense it can be enforced.

"I am prepared at any time to institute appropriate proceedings to compel the company to make such improvement where it has delayed or declined to do so after reasonable notice from the municipal authorities. Respectfully,
J. P. Kavanaugh,
City Attorney."



The Pills That Cure Sciatica

That sciatic rheumatism can be cured by the use of Dr. Williams' Pink Pills is evidenced by the case of Mrs. Stewart McEwan, of Fort Hunter, Pa. She says:

"For five months I was under a doctor's care, suffering from what he termed chronic sciatic rheumatism. The disease settled in my hips and knees and I suffered intense darting pains. So severe was the pain at times that I would have to cry out, and sometimes I was perfectly helpless. My limbs were so sore that I was unable to bear the weight of the bad clothes over me. I was extremely nervous, had no color, and did not seem to have much blood. I had no appetite and food caused me great distress. I was constipated and suffered constantly from a dull throbbing headache.

"I had no strength and was reduced in flesh until I was a mere skeleton. As the doctor could not help me, I decided to try Dr. Williams' Pink Pills, which were recommended by an aunt. After using the pills a short time I noticed a decided change for the better, and I kept on with them until the rheumatism left me entirely."

Dr. Williams' PINK PILLS

The annual W. C. T. U. meeting of Multnomah county is being held today at state headquarters, 606 Goodnough building. After the opening devotional exercises, conducted by Mrs. Ada Unruh, reports were received. The president is Mrs. Ella G. Himes, reported the work of the year. Institutes at Albina, Sellwood and Sunnyside were held, also medal contests and drama readings were addressed. Good speakers were secured for all these institutes. The president of the union reported. Central union, Mrs. Unruh president, told of good work done in spite of difficulties. Some very efficient new members have been secured. Special mention was made of the new president, Mrs. B. N. Imman. Daily prayer meetings are to be held every evening at 6:00 Goodnough building. New work is to be taken up along the line of literature and civic work. Plans for a very successful year were discussed. Mrs. Fullivoie reported for Lucy Thurman union, an excellent list of officers. They have a young women's branch and a loyal temperance legion were entered. Mrs. Lucy Hoskins reported for Mount Scott, a public library has been opened through the efforts of the union and University Park and Peninular have also secured libraries.

LOCAL BOOSTERS GO TO FRISCO

Executive Officers of Commercial Bodies Will Attend Coast Meeting.

Executive officers of the Portland commercial bodies will go to San Francisco the first week in October to attend a meeting of the heads of the Pacific coast commercial bodies. In a letter received by the chamber of commerce today the support of California was promised for any aid Portland may want in securing the proposed improvements to the harbor of the Port of Portland.

President C. F. Swigert and Secretary E. C. Gilmer of the chamber of commerce will be present at the meeting, while Joseph N. Teal and George M. Cornwall who, with them, form the chamber's delegation to the Trans-Mississippi Commercial congress which convenes in San Francisco on October 15, will accompany them and help in the effort to have Portland ably represented in the meetings.

In a letter received this morning by the chamber from Rufus Jennings of the California promotion committee the interest that California is taking in the proposed harbor improvements is spoken of, and Mr. Jennings offers to do anything in the power of the promotion committee to bring about the early completion of the work, saying that the entire coast is interested in the securing of a fresh water harbor for Portland.

The commercial congress will consider measures and projects that tend to broaden the usefulness of the organizations represented there and in inducing the federal government to recognize the commercial and strategic importance of the harbor. It is probable that a petition to have at least a portion of the battleship fleet re-located to the Pacific coast waters upon completion of its cruise will be drawn up and forwarded to congress, as well as a request that the coast cities be more carefully fortified against invasion.

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Our splendid preparation for this department is complete, and we offer better qualities, greater diversities of style and quote prices on a lower margin than ever before. Best makes represented.

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Best line of suits we ever sold at that price; 2 pairs Knicker pants with each suit, fine all-wool materials, ages 6 to 16 years.

Blue Serge, Tweeds and Cassimeres, all this season's latest models, patterns and colorings, all ages from 2½ to 9 years, at \$3.15, \$4.00, \$4.50 and up to \$9.00.

BOYS' LONG PANTS SUITS in our Basement Boys' Section, made of materials that will give long service; Splendid Vals. at \$6.00, \$7.50 and \$9.00

SAYS FATHER IS THE VICTIM OF WILES OF DESIGNING WOMAN

That G. Frederick Ritter, whose matrimonial troubles have been aired before in the circuit court was "roped in" by the soft cooing and billing and blandishments of a woman is the charge made in an answer filed in the circuit court by Edward L. Ritter, son of G. Frederick Ritter, who has come to the defense of his father with some of the most picturesque pleadings ever introduced into prosaic court records.

This is a portion of the language in which he describes the feeling of his father by his step-mother, Matilda Drake, who formerly was Mrs. G. Frederick Ritter:

"That for some time prior to December 1, 1906, the plaintiff, who is a puxom, adventurous, much married woman of experience and well versed and skilled in the wiles and blandishments of love-making, coaxed and influenced by deceit, flattery, fraud, coercion and intimidation the defendant, G. Frederick Ritter, who is 68 years of age and who was at that time 67 years old, infirm,

deceit, in ill health, and not entirely responsible for his actions, to promise to marry the plaintiff."

The younger Ritter goes on to charge that the Ritter pere had been ensnared by the fair charmer threatened not to marry him, but to sue him for breach of promise he would dead the certain property of Albina homestead, at Page street and Vancouver avenue. This is in explanation of the fact that Mrs. Drake holds a deed to the property which her former husband last spring deeded to his son. The latter is now a resident of Buxton and the title has since passed from him to Mr. and Mrs. D. Bordewick. All of these persons have been sued by Mrs. Drake who asks the court to set aside the line of deeds down to Bordewick and to sustain her claim under the deed that Mrs. Drake holds a deed to the property where it has seized or declined to do so after reasonable notice from the municipal authorities. Respectfully,
J. P. Kavanaugh,
City Attorney."

MAYOR ORDERS HIGH PRESSURE TESTS OF CEMENT WATER MAINS

Mayor Lane this morning instructed Superintendent Dodge of the city water department to make tests of cement mains similar to those recommended for the new pipe line which will be built from Bull Run river to the city under the bond act providing \$3,000,000 for the new line.

Sections of steel reinforced concrete mains, 60 inches in diameter, will be constructed and submitted to all sorts of water and air pressures, besides other tests to determine the relative strength of such mains to that of iron mains.

Mayor Lane's idea is to prove before the work is ordered for the new pipe line whether the concrete mains will be as good or better than the cast iron mains. The concrete mains have become popular

in the past few years in various sections of the country and are claimed to be stronger and more serviceable than the old style pipes. In speaking of the proposed tests this morning Mayor Lane said:

"I thought it but fair to the city and property owners as well as to the contractors who expect to bid on the new pipe line to make experimental tests of the new style mains before going blindly ahead without a personal knowledge of the new style mains. I have been told that the steel reinforced concrete mains have proved to be excellent conductors of water and I thought, inasmuch as we will probably have bids for this style of a main, to make tests before awarding the contract."

The tests will probably be made at one of the city's reservoirs and work will commence on the sections as soon as possible.

A BURGLAR IN TOWN

his name is "bad cough." He doesn't care for gold or silver, but he will steal your health away. If he appears in your house arrest him at once with Ballard's Horehound Syrup. It may mean consumption if you don't care for all coughs, colds and chest troubles. Price 25c, 50c and \$1.00 per bottle. Sold by Skidmore Drug Company.

Watchesman Arraigned.

(Watchman Leased Wrs.)
Irvington, Cal., Sept. 18.—John Rea, the watchman, accused of the murder of Carl Moller on the Alviso marshes last Sunday, was arraigned before Judge Bowers here today, on a warrant sworn out by Andrew Anderson, the youth who accompanied Moller on his fatal ride in the slough.

SEVEN INDICTED ONES ARRAIGNED

Seven men and one woman indicted by the grand jury recently were before Presiding Judge Gantenbein in the circuit court yesterday afternoon for arraignment. Two pleas of not guilty were entered. One was by Chester C. Holloway, charged with assault with a dangerous weapon on his wife, and the other by Joseph Tickey, charged with a like offense against Frank Eckhart.

Mrs. Rose De Sico, who talks such a mixture of English and Italian that she cannot be understood, was called to answer to the charge of assault on a policeman. She talked glibly and incessantly and waived a bundle of papers at the judge, but could not be made to understand that the case had nothing to do with her children, who were taken away from her by order of Judge Frazer in the juvenile court over a year ago. Efforts to secure an interpreter yesterday were fruitless and the case will come over until tomorrow.

Other defendants arraigned who will be required to plead tomorrow afternoon are E. G. Adams, on two charges of passing bad checks, Adolph Adler, for attempting to extort \$400 from Sig Siebel; Hugh Walthrow, charged with larceny from a steambath; Oscar Hanson and H. A. Collie, held on statutory charges.

TAILOR FOUND DEAD IN HIS ROOM

J. H. Mildendorf, believed to be a tailor from San Rafael, Cal., was found dead in his room in the Olympia hotel, 151½ North Sixth street, early last evening. The coroner took charge of the body, and investigation showed the cause of death to have been chronic pulmonary tuberculosis. He was about 55 years old, and had been at the hotel only one day. The authorities at San Rafael have been notified.

W. C. T. U. HOLDS ANNUAL MEETING

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SUES FOR SERVICES COMPANY DENIES

A jury was sworn before Judge Cleland in the circuit court this morning to try the case of E. W. White against the Kilham Stationery & Printing company. White asserts that the company owes him \$2,800 for his services in interesting C. O. Hiermatid in the firm. He says he was informed that the company desired to enlarge its business and increase its capital stock, and he was asked to look up a purchaser for stock. He alleges that Hiermatid bought \$25,000 worth of stock, but that he was never paid for his services. The company denies that it ever employed White or made him any promise.

EAST SIDE CLUB TO GIVE SMOKER

The East Side Business Men's club will hold a smoker and banquet in their clubrooms at the corner of East Morrison street and Grand avenue tonight. The evening will be given over to social enjoyment. But the club will take advantage of the meeting to outline its policy for the improvement of the east side this fall.

FIRST TRAIN ON WALLOWA ROAD

Schedules Issued by Freight Department Show Tariffs to Elgin.

Nest Sunday the first passenger train over the new Wallowa extension of the Elgin branch of the O. R. & N. will be run from La Grande, an excursion train having been arranged for by the La Grande citizens between La Grande and Elgin. John O'Neill, traveling passenger agent of the O. R. & N., and other representatives of the head offices of the road will leave here tomorrow to be present at the formal opening of the new line.

It is planned to have the first train leave La Grande at 7 Sunday morning, reach Elgin at 10 o'clock and return at 4, arriving in La Grande again at 7 o'clock. Residents along the line of the Elgin branch are greatly interested in the opening of the extension which will give about 23 miles additional road to the line.

Although the excursion train will be run Sunday the line will not be open to regular traffic for two weeks, or until ballasting of some nine miles of track near Elgin is completed. However, the general freight department of the O. R. & N. has had the new tariffs for the extension published and they will be issued next week. They show the new rates from Portland and between Elgin and points on the branch.

promote a manufactured article, has brought a charge of assault and battery against Frank B. Melvin, a lawyer.

The alleged assault occurred a month ago. Yates, from a window on the second floor of the Worcester building, called to a police officer that he was being restrained from leaving the room. He declared Melvin and his brother had assaulted him in attempting to get some papers from him. The Melvins were interested in the company, and as it appeared to be a business quarrel no action was taken until today, when Yates swore to a warrant. In the justice court today Melvin pleaded not guilty and was held under \$25 bail.

SON KILLED, FATHER ASKS HEAVY DAMAGES

Two suits in which damages aggregating \$12,500 are claimed against Olds, Wortman & King, were filed in the circuit court this morning in the name of Frank A. Palmer, father of Kenneth A. Palmer, five years of age, who was run over and killed last June by one of the firm's delivery wagons.

The accident took place on East Everett street, near Grand avenue, late in the afternoon, the wagon being then on the way to the stables. The complaint alleges that it was negligently driven over the little boy, resulting in injuries that caused his death. Palmer asks for

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\$7,500 as administrator of the boy's estate and for \$5,000 more individually because of being deprived of the comfort and services of his son.



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Shortens your food—Lengthens your life

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