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VEGETABLES

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DELL BROTHERS, CATERERS TO THE PUBLIC IN GOOD THINGS TO EAT Athena, Oregon

A SWEEPING VICTORY

Judge Wolverton Decides In Favor of Oregon State Railroad Commission In Federal Court.

By sustaining the defendant's demurrer to the complainant's bill and consequently dissolving the preliminary restraining order, Judge C. E. Wolverton of the federal court has established the legality of the Oregon State Railroad commission and its power to regulate freight rates as to intrastate commerce. The decision, a voluminous affair, goes into minute details of the workings of the commission and possible resultant effects upon trade.

The decision declaring a sweeping victory for the commission was handed down when court convened at Portland in the case of the Oregon Railroad & Navigation company against Thomas K. Campbell, Clyde B. Atchison and Oswald West, members of the commission, and A. M. Crawford, attorney general of the state. W. W. Cotton appeared for the complainant and J. N. Teal of Teal & Minor, and Attorney General Crawford appeared for the commission. Mr. Teal presenting the arguments some time ago.

The suit was brought to restrain the Oregon state board of railroad commissioners from putting into operation and effect a schedule of rates for carrying freight upon and along the O. R. & N. lines in Oregon. The attorney general was joined as defendant as upon him it rested to see that the mandates of the commission be carried out.

The bill of complaint attacked the validity of the act of the legislative assembly of the state, adopted February 18, 1907, in pursuance of which the state railroad commission was created and its powers were conferred upon the ground that the body was unconstitutional and void within the limitations of the state constitution, and its operation is to deprive the complainant of its property and services without due process of law, contrary to the federal constitution.

More specifically it was alleged in the complaint that the railroad company has physical connection with various lines operating out of the state, throughout the east, and that the rates prescribed in the orders of the state commission would interfere with the already established trans-continental rates now in effect. It was also set forth that the act of the commission would interfere with the rates established for the company's line of steamers plying between Portland and San Francisco as to rates on freight to points east of The Dalles, and it was contended a similar effect would result as to tariff originated with the Southern Pacific line, another part of the large system.

In his decision, Judge Wolverton defines clearly the meaning of interstate and intrastate commerce, holding that the state commission has nothing whatever to do with interstate commerce, but has absolute control of intrastate commerce, although the rail lines are entitled to relief from the court should it be shown that such rates might be described by the commission are not reasonable. Freight originating within the state and delivered at another point in the state, is clearly defined as intrastate commerce.

A Productive Ranch.

One of the interesting exhibits at the district fair is that from the ranch of Charles Ogilvy, the Pilot Rock rancher, says the East Oregonian. This well-known farmer carried off the \$50 prize last year for the largest and best exhibit from any one farm, and he is out to duplicate the performance this year. His exhibit last year was pronounced a world-beater, but this year's display is so far ahead of last that there is no comparison. Last year he had 52 different varieties of farm produce in his

collection, whereas this year he has 71, while the quality is far superior. The Ogilvy farm is located eight miles south of Pilot Rock on a prong of Birch Creek in what is known as California gulch, and one of the remarkable facts in connection with this wonderful display is the fact that it was grown at an elevation of 3223 feet.

Salem's Charter.

Because the charter of the city of Salem makes it unlawful for the city to sell bonds bearing more than 4 per cent interest, the city's credit is in jeopardy. A recent issue of \$65,000, voted August 2, at a special election, for the purpose of retiring an issue that matures Saturday, October 2, cannot be sold under 5 per cent. Bids were opened at the meeting of the council last night and it was found that no one had offered to buy the new bond issue within the charter limits. A committee was appointed to devise ways and means to meet the maturity of the bonds next Saturday. A loan will probably have to be negotiated to meet the payment.

Fifty Cars of Prunes.

Prune picking in the Grand Ronde valley is in full swing and one of the largest crops for years will be harvested. The prunes are of good quality. It is estimated that between 50 and 60 cars will be shipped from Cove and Union. All packing sheds are working overtime, one shipper being compelled to send to Boise for girl packers. The prunes are bringing \$20 per ton delivered at packing shed. The bulk of the shipments is going to Denver, Chicago and Kansas points.

Celebrate Silver Wedding.

Mr. and Mrs. W. H. Frazier of Milton celebrated their silver wedding anniversary on last Friday evening. A number of friends and relatives were present and presented the host and hostess with two sets of beautiful silver knives and forks. Light refreshments were served and a most enjoyable evening spent.

THE FAIR AT PENDELTON

In Exhibitions It Excels and Special Features Entertain.

The fourth annual fair of the third Eastern Oregon District Agricultural Society, which opened at Pendleton Monday has been a marked success.

The number of exhibits exceed all previous attempts, the attendance has been all that could be expected and the special features of entertainment are all high class.

McElroy's military band is a great drawing card and its afternoon and evening concerts are one of the great pleasures of the fair.

Horticultural and agricultural exhibits are stupendous, and nearly every section of Umatilla and Morrow counties are represented. Interest seems to center in the live stock and poultry exhibits. The space for these exhibits though greatly enlarged from last year, is totally inadequate for accommodations required.

Long Batters Perkins.

Louie Long of Oakland defeated Elmer Perkins of Freewater in the fifth round of a scheduled 10-round battle at Walla Walla Saturday night. Long toyed with his opponent throughout the contest, hitting him at will. In the third round the Freewater fighter went to the floor for the count of eight. In the fifth Long quickly floored Perkins with a wallop to the jaw but at the count of nine the latter was on his feet, groggy, and quickly went down again under the rain of blows. Again he regained his feet at the count of nine, but was so near out the referee stopped the fight and awarded the match to Long. The Oakland lad put up a clever exhibition. Perkins will be remembered in Athena as the young man who started the Dime theatre in this city in partnership with Mr. Tharp.

Miss Ethel Standage.

The funeral of the late Miss Ethel Standage was held Sunday morning from the Freewater Presbyterian church. Rev. Levi Johnson of Milton preached the funeral sermon. The Rebekahs and Lady Macabees, both marched in the procession and held services at the grave. Six young ladies acted as pallbearers, all members of the same lodge to which Miss Standage belonged.

Injured in Runaway.

Dillion Hoskins of Hudson Bay, met with a very painful accident on Saturday. The team of horses he was driving became frightened at some object and he lost control of them and was thrown to the ground, breaking three ribs, one of them puncturing his kidney. It is very doubtful if Mr. Hoskins will recover, as he is in a very critical condition.

Discontinue Express Service.

It has been announced that trains Nos. 45 and 46 between Walla Walla and Pendleton will discontinue its express service after the 25th of this month.

THE READING ROOM

Gymnasium Equipment Is Being Installed in Christian Church Basement for Public Use.

Everything is being pushed forward as fast as possible and it will only be a few days till the Christian church basement is fitted up and opened to the public. A neat, well equipped reading room will occupy the present kitchen. The dining room is to be converted into a gymnasium and amusement hall.

Several game boards are already in place, and others will soon be here.

In the gymnasium department will be found a striking bag, wrist machine, dumb bells, elastic exercises, bars, etc. Classes will be organized in simple gymnastics and will be free to all who wish to join.

One feature of amusement will be indoor quills. This is a very healthful and interesting game. Just as soon as possible a shuffle board will be added to the equipment. This is also a very beneficial form of recreation. A good set of chessmen is now among the equipments and any chess player will be welcomed.

If you have any games or game boards which you will donate it will be appreciated. Also your magazines, newspapers or books. Anything you think might be helpful, bring, and if it can be used it will be thankfully received.

Phone Companies Merge.

A strong combination of telephone interests was announced at Spokane. The Home Telephone company of Spokane, the Interstate Telephone company, with lines in Eastern Oregon, and all independent companies in Montana have been taken over by a new corporation which Patrick Wall of Butte and Thomas L. Greenough of Missoula, millionaire mine-owners, will be the controlling force.

THE TAGGART-FOSS WEDDING

Athena Young Couple Wed at Portland-Sunday Evening.

A very pretty wedding took place in Portland Sunday evening, when Thomas M. Taggart and Miss Nellie I. Foss, of this city were united in marriage. Mr. Reagor of the First Christian church of Portland, officiating.

The wedding took place at the beautiful home of Mr. and Mrs. J. D. Gilliam, 262 Ross street. The ceremony was performed at 8 p. m., in the presence of a few friends. The rooms were artistically decorated with Oregon plants and ferns.

The bride was beautifully dressed in white and wore a bridal veil, crowned on the head with orange blossoms. The groom wore conventional black.

The couple entered the room to the strains of a wedding march, played by Mr. E. R. Buchan, and after the ceremony, a reception was given in their honor.

Wednesday, Mr. and Mrs. Taggart returned to Athena and will be at home to their friends after October 10.

I. Grow Won Relay.

With the crowd yelling like Comanches, Dell Blauvelt of Endicott, Wash., riding at Spokane for Fay LeGrow made up 10 seconds in the relay race Saturday afternoon, passing Dag Wilson for the \$1000 prize by the small margin of five seconds. Blauvelt's quickness in changing saddles again played into his hands, he starting fourth but on the first change getting away first, and on each successive change continually rising his lead over Dag Wilson, a close contestant for first honors. The time made by Blauvelt Saturday was 4:30, giving him a total of 27:41 for the six days, as against 27:46 for Wilson. Blauvelt will ride the LeGrow string of horses in the relay race at Walla Walla Fair.

Mill Must Pay Tax.

The Peacock Milling Company of Walla Walla must pay the taxes on 13,100 sacks of wheat which they have purchased from W. P. Reser on contract, to be delivered f. o. b., although the delivery was not made until after March 1, according to a message from Olympia. The president of the Mill company signed the assessor's report, although he doubted at the time whether he or Reser should pay the taxes. He lost his suit to retain the collection of the taxes in the lower court, and the supreme court affirms this.

His Son the Only Pupil.

What is probably the most unique school in the northwest has just been put into commission near Bend. For pupils it has one scholar, James by name. For teachers it has principal, faculty and janitor opportunely combined in the person of James' father. But whatever its apparent limitations, the new school bears the seal of official sanction, and even more impor-

tant, draws the salary apportioned by the county authorities. It happened in this way. The old school district in the black pine, "up river" from Bend, was in danger of vanishing from the county lists, due to the fact that no scholars appeared. But such a turn of affairs was greatly to be deplored by the members of the threatened district, as under existing circumstances taxes and other inconveniences were vastly lower than would be the case should the district be absorbed by its healthier neighbors. So there was great rejoicing when a homesteader appeared who brought with him a boy of school age. Forthwith the wheels of county officialdom were set in motion and the father and son school evolved.

Remarkable Automobile Tour.

Undoubtedly the most remarkable run ever made by an automobile in central Oregon has just been completed by a big Chalmers-Detroit "30," which carried H. A. Hunter, an investor in Oregon real estate, on a 1300 mile tour of the interior portion of the state. Mr. Hunter is from Minneapolis. He owns many thousands of acres throughout that portion of the state. The auto was secured from J. H. Wenandy of Bend. Mr. Hunter left there September 6 with Chausseur Fox at the wheel. On the two weeks' trip of 1300 miles the delays caused by accidents amounted to only 40 minutes. From Bend the machine went to Odell, thence to Crescent Lake. After visiting Summer Lake and stopping at Lakeview several days, a run was made into northern California through the Goose Lake district, returning through Harney county by way of the Narrows, between Malheur and Harney lakes. From Prineville a dash was made across to the Cascades and by the Santiam road to Lebanon, on the Corvallis & Eastern railroad. The car then went down the Willamette valley to Portland and returned to Bend via The Dalles and Shaniko.

CLOAK AND SUIT SHOWING

At Athena's Department Store On October 11 and 12.

On account of the intensity of the season we have arranged with Hanger and Thompson of Walla Walla to display their large line of cloaks, suits and dresses for ladies and misses—at our place of business—on October 11 and 12. This line will comprise over 300 garments of assorted sizes so you can be fitted at once or the size delivered in a day's notice. It will cost you nothing to see the display and save you the expense of a trip to the city.

We will display for ourselves a fine line of ladies, misses and childrens ready made suits, dresses and coats of latest designs as soon as the spring styles are presented but find it too late to fully represent the fall and winter line. Steward & Brown
Athena's Department Store.

Groom Kills Charivariar

Jesse Townsend is in jail at McMinville, charged with shooting and killing James Lawrence, a farmer, the father of ten children. Lawrence was one of a large party who charivariaried Townsend who has been recently married. Townsend was awakened at his home in the valley near McMinville and angrily ordered the men away. When they further disturbed him he fired his rifle, killing Lawrence. The slayer surrendered to the men of the party.

Last Sermon as Pastor.

Rev. A. L. Thoroughman of the Marvin M. E. Church South Walla Walla preached his last sermon as pastor of that church Sunday night and will go to Pendleton this week for a few days' visit. He will return to Walla Walla next week and then will go to Spokane to reside, having been appointed presiding elder for the Spokane district.

Spokane Hunter Shot.

"I am shot. C. J. Simmons, Spokane." This note was found beside a pool of blood in the woods near Laclede, Idaho, Saturday morning. For nearly a mile a trail of blood was found from this point then the traces were lost. It is believed Simmons is a hunter who has been shot accidentally and is trying to get over the mountains to secure aid.

Back From Hawaii.

Congressman and Mrs. W. R. Ellis arrived in Portland Monday night from Honolulu. Ellis and 20 other congressmen were on the island for several weeks looking into the condition of things generally. Paul Harbor as a base of supplies and coaling station for the United States is highly recommended by Ellis.

Medical Association.

The annual convention of the Eastern Oregon Medical Association convened at Pendleton Tuesday. More than half a hundred physicians were in attendance.