

CARRIERS HAVE FINE MEETING

LETTER CARRIERS OF THE STATE HAVE TWO DAYS CONVENTION, INDULGE IN INTERESTING RECREANCES AND WILL MEET NEXT YEAR AT CORVALLIS.

The Oregon State Letter Carriers' association has wound up a two-day convention at Salem which was a record breaker in point of attendance and interest in the proceedings. The local branch will not say much about its part of the convention, but all the visitors unite in saying they were never so well treated as at the hands of the Salem bunch who dug into their blue trousers for about 15 plunks apiece to provide a banquet at the Marion as fine as anything ever served there, an orchestra, visits to state institutions, free trolley rides, and everything to delight the heart of the peregrinating postal profession.

The following officers were elected: President, J. H. Scott, Corvallis; vice-president, S. D. Grush, Astoria; secretary-treasurer, Mr. Johnson, Portland; members of executive board, C. C. Henderson, Eugene; Mr. Daugherty, Portland; delegate-at-large, K. P. Loop, McMinnville.

Talks at the Banquet. From soup to cigars the banquet at the Marion was a perfect success. Even the talks were above the average. At the request of State President S. E. Howard of Sale, Fred P. Holmes acted as toastmaster and proved a wise selection for he kept things moving, had a happy way of introducing people and made the appropriate comment on their speeches that kept things moving, and there was not a dull moment but universal good feeling prevailed. He introduced Mayor Lachmund who bade the guests welcome to the city and assured them of protection against police interference. He said if anyone had to be run in he would go himself but the letter carriers might keep it up all night and into Sunday if they wanted to. He was warmly applauded. L. P. Bennett responded for the local branch, Salem No. 347, in a snappy way that suited all the boys. Squire Farrar, Salem's veteran postmaster proved a game sport and said some nice things for the clerks and carriers if they do cause him sleepless nights sometimes. The toastmaster complimented the Salem newspapers on their help in the Sunday closing movement which

Aids Nature

The great success of Dr. Pierce's Golden Medical Discovery in curing weak stomachs, wasted bodies, weak lungs, and obstinate and lingering coughs, is based on the recognition of the fundamental truth that "Golden Medical Discovery" supplies Nature with body-building, tissue-repairing, muscle-making materials, in condensed and concentrated form. With this help Nature supplies the necessary strength to the stomach to digest food, build up the body and thereby throw off lingering obstinate coughs. The "Discovery" re-establishes the digestive and nutritive organs in sound health, purifies and enriches the blood, and nourishes the nerves—in short establishes sound vigorous health.

If your dealer offers something "just as good," it is probably better FOR HIM—it pays better. But you are thinking of the cure not the profit, so there's nothing "just as good" for you. Say so.

Dr. Pierce's Common Sense Medical Adviser, In Plain English; or, Medicine Simplified, 1008 pages, over 700 illustrations, newly revised up-to-date Edition, paper-bound, sent for 21 one-cent stamps, to cover cost of mailing only. Cloth-bound, 31 stamps. Address Dr. R. V. Pierce, Buffalo, N. Y.



OREGON SUPREME COURT DECISIONS

Full Text Published by Courtesy of F. A. Turner, Reporter of the Supreme Court.

Wells v. Great Nor. Ry. Co., Multnomah County.

R. L. Wells, respondent, v. Great Northern Railway Company, appellant. In the circuit court for Multnomah county. The Hon. E. C. Bronough, Judge. On petition for rehearing. Affirmed March 14, 1911. 114 Pac. 92. Omar C. Spencer, for appellant. John F. Logan, for respondent. Per Curiam. Denied.

Per Curiam. In the petition for rehearing it is urged that the limitation of the liability was based on a special consideration, viz.: a reduction in the price of the ticket. But defendant's counsel mistake the terms of the stipulation of the ticket. The reduction of the price of the ticket is not made in consideration of the limitation of the baggage. The ticket is in form a first class ticket. Whether it is sold as a first or second class ticket is to be indicated as the one or the other by the place it is punched on the first coupon. The contract of the ticket contains seven specifications. The third one states that if sold as a second class, the purchaser is only entitled to second class passage, and each of the other six conditions of the ticket apply alike to the holder of the ticket, whether first or second class; and the seventh condition, limiting the liability of the baggage, applies to all holders of the ticket, regardless of the price for which it was purchased, and has no bearing on the price of the ticket other than it may have been considered in fixing the fare specified in the schedule filed with the Interstate Commerce Commission. But it is held in the case of Normile v. Oregon Nav. Co., 41 Or. 145: "No sort of consideration, whether it is based upon a different or lower tariff, or whatever it might be, will therefore exempt the carrier, in whole or in part, from liability attributable to his own negligence, and where such is the essential purpose of the contract it cannot be upheld."

Defendant also mistakes the effect of the seventh clause of the contract, limiting the liability of the company. It is not a stipulation of the value of the goods shipped, but limits the liability to \$100 in any case, and is not an agreed value of the goods shipped. "The baggage liability is limited to wearing apparel; only, not exceeding \$100 in value; and a passenger does not participate in fixing the amount. He is required to accept the stipulation of the ticket or leave his baggage. This is conceded in the second brief filed on this motion where it is contended that the limitation is fixed by the schedule of rates filed by the company with the I. C. C. and has the force and effect of a law. Without assenting to that statement, certainly there was no agreement as to the value of the goods shipped. Mr. Justice Wolvorten, in Normile v. Oregon Nav. Co., makes the distinction between an attempt by the carrier to stipulate against liability regardless of the value, and a stipulation fixing the value of the freight to be carried; and counsel for defendant claim that this case comes within the latter class, but in this he is in error. It is said at page 184, "It is a sound and wholesome doctrine, based on a consideration of public policy and fair dealing, that a common carrier will not be permitted to stipulate against liability for the loss or injury of property entrusted to it for carriage and transportation occasioned by its own negligence." * * * Nor can the carrier be permitted to stipulate or contract for partial or limited exemption from liability occasioned by its negligence with any more reason than it may for a total exemption." And on the other hand he recognizes that the shipper may agree with the company upon the value of the goods shipped, and be bound thereby, and "if the plaintiff freely, and without restraint, that is, was laboring under no such inequality of conditions as that he was compelled to enter into the contract whether he would or not, in order to have his stock carried—executed the contract in question, he is bound by the stipulations as to the value." Here there is no stipulation as to value but there is an attempt to limit the liability regardless of value.

In the second brief it is contended that as the first paragraph of Sec. 6 of the I. C. C. act (24 Stat. at L. 330) railroads are required to print for public inspection "schedules showing the rates and fares and charges for transportation of passengers and property * * * and shall also state separately the terminal charges and any rules and regulations which in anywise change or affect or determine any part of the aggregate of such aforesaid rates, fares and charges." And by the fifth paragraph of Sec. 6 it must "file with the commission, hereinafter provided for, copies of its schedule of fares, rates and charges which have been established; that, therefore, such schedules when filed with the commission are conclusive on the shipper and the carrier, and that as the schedule so filed by the defendant provides that "liability of this company and of other lines over which baggage is checked is limited to \$100," therefore both the company and the plaintiff were bound by that limitation. But we do not concur in these views. Rules and regulations affecting the rates are to be printed in the schedule kept by the company for public inspection, but it is the schedule of the rates, fares and charges that are to be filed with the commission and cannot be deviated from. There is nothing in the act that authorizes the company to limit its liability against its own negligence or that makes a statement of limitation of liability in the schedule enforceable by the commission or binding upon the shipper. In this case neither was it the subject of agreement between the company and the carrier, but was imposed by the company as a condition of the sale of the ticket, and in signing the ticket the plaintiff was laboring under such an inequality of conditions as he was compelled to enter into the contract, whether he would or not, in order to have his baggage checked. As said in Normile v. Oregon Nav. Co., "If the purpose of the contract was merely to place a limit on the amount for which the defendant shall be liable—that is to say, exempt it in any measure from full liability, as respects the value of the property concerned—then clearly, as to any losses resulting from negligence, it cannot be helped (upheld) and this upon the ground that it would not be just and reasonable." The petition is denied.

DETAILS OF BIG FAIR.

(Continued from page 1.)

confectionery, Adolph's cigar store, Geo. E. Waters' cigar store, D. R. Yantis' Toggery, Roth grocery company, Sunset grocery, Bligh confectionery and Patton Bros.' book store. The candidates nominated are: Stella Walling, Effie Needham, Mabel Zeh, Laura Gregory, Edith Schrank, Florence Smith.

Merchants' Common Vote. The principal merchants of the city have agreed to give coupons good for five votes in the Cherry Fair queen contest, with every dollar's worth of goods purchased for cash between now and Saturday. When buying goods call for these coupons and vote them for your favorite. These coupons may be voted for any contest that you prefer, and dropped into the ballot boxes as ballots, without the accompanying cash. The queen of your choice is to be written on the ballots. Purchasers at all the stores should call for their coupons with each cash purchase, and then see that they are voted before Saturday night, when the final count will be made. The ballot will be footed up Tuesday, Thursday and finally Saturday evening.

The prizes for the baby parade were increased from \$50 to \$100. The hiring of bands was turned over to the concessions committee; Harry Albert, chairman.

The park will be illuminated with streamer lights and Japanese lanterns with electric lights leading up to the center pavilion.

The Oregon National Guard will parade in full force the first day.

The following prizes have been decided upon by the various committees.

- Best lodge float \$20
 - Best business float 20
 - Best union float 20
 - Best decorated horse and buggy 10
 - Best decorated single horse and buggy 10
 - Best decorated saddle horse 5
 - Best decorated Shetland pony 5
- For the baby parade there will be a \$25 prize for the best comic float; \$10 for the second best and \$5 for the third, while the best character will receive \$10, with second and third prizes of \$5 and \$2.50, respectively.

The committee on the comic parade are especially anxious to have it one of the best features of the fair, and ask that all those who can take part will get in touch with the committee at once. Hal V. Bolam, Cooke Patton or Fred V. Bynon will be glad to help out anyone to choose a costume or outfit, and if you don't know just what you want they will be pleased to make suggestions for you. So everyone who wants to help make the fair a howling success will please speak early so that there will be sure to be a rush.

A Few 'Cascarets'

Cure Constipation

Pleasant, Gentle, Though the Most Effective Remedy in the World for Sluggish Bowels or a Lazy Liver.

In the old days physic was dreadful—calomel, oil, salts or cathartics. And they were worse than they seemed, for they irritated the bowels. They acted much as pepper acts in the nostrils. They flooded the bowels with fluids. But those fluids were digestive juices. And a waste today means a lack tomorrow. You secured relief, but you were actually worse off than without it.

It's different with Cascarets. Their effect is the same as that of laxative food, but they are better. They stimulate the bowels to natural action. No griping, no pain. They act as a bowel tonic.

The old way, too, was to take large doses of physic. People waited until the bowels were clogged. The new way is to take one Cascaret when you need it. Carry a box in your pocket or purse. Ward off the troubles instantly. The modern plan is to keep your bowels in the best. The old way wasted too many good hours. Get a 10-cent box of Cascarets now.

ANOTHER GERM DESTROYER.

Herpicide Is Death to Dandruff Germs.

The germ burrows into the scalp, throwing up the cuticle in thin scales, called dandruff or seurf, and digging to the root of the hair where it saps the hair's vitality. First comes brittle hair, then lusterless and lead-like hair, then falling hair, and finally baldness. Nine-tenths of the hair troubles are caused by dandruff. With out dandruff, hair will grow luxuriantly, as nature intended. "Herpicide" kills the dandruff germ leaving the hair to grow unhampered, as it does with the American red men. Sold by leading druggists. Send 10c in stamps for sample to The Herpicide Co., Detroit, Mich. One dollar bottle guaranteed. J. C. Perry.

Henwood Butted In.

[UNITED PRESS LEASED WIRE.] Denver, Colo., June 27.—Declaring that if Frank H. Henwood had not "meddled" in her affairs the Brown Palace hotel tragedy in which George Cleveland and "Tom" Von Phul were killed, never would have occurred. Mrs. John Springer, society woman, told her own story of her connection with Von Phul here today at Henwood's trial.

Tramps put off a freight near The Dalles Monday took several shots at the conductor. They were arrested at Umatilla.

YOUNG GIRL WITH A GUN KILLS THREE

[UNITED PRESS LEASED WIRE.] New York, June 27.—Antonio Fiverone is dead and two other men may die from bullet wounds inflicted by Alena Saglino, a young girl to whom Fiverone had been paying attentions. The shooting occurred in the street last night, when the girl upbraided Fiverone for concealing from her the fact that he was a married man. A crowd collected, and some one urged the angry girl to avenge herself upon her false admirer. She drew a revolver and began firing rapidly. One bullet struck Fiverone and killed him. Two others found lodgment in the bodies of two bystanders, and both also may die.

Following the shooting, the girl, throwing away her revolver, fought off with a batpin two policemen who sought to arrest her. She was finally seized from behind and overpowered.

THE MORMONS OWNED LOTS OF SUGAR STOCK

[UNITED PRESS LEASED WIRE.] Washington, June 27.—When he took the stand today President Smith admitted that he personally owned 5,000 shares of the Utah-Idaho Sugar company and 49,815 shares for the Mormon church. He said the stock pays seven per cent dividends, which is used for the church. He testified that the sugar company's attorneys said the combination with the Havermeier interests was legal and that later he and the presiding bishop and counselors of the church, totaling 15, approved it. He said he did not represent the church in making the consolidation but that all the church officials acquiesced.

It was nearly midnight when the talkfest was concluded and the carriers having said farewell to their guests and the orchestra had played "Until We Meet Again," and then the letter carriers put in three solid hours at their own affairs before final adjournment was taken to meet next year at Corvallis.

THE ITALIAN, IT SEEMS, HAD FOR SEVERAL DAYS BEEN ANNOYING LITTLE GIRLS IN THE VICINITY, AND SUSPECTING THAT HE MIGHT TROUBLE HIS DAUGHTER WHO WAS GOING ON AN ERRAND TO A NEIGHBOR, THE FATHER TOOK HIS GUN AND CONCEALED HIMSELF BY THE ROADSIDE. AS SOON AS THE ITALIAN SAW THE GIRL HE APPROACHED HER AND TRIED TO PREVAIL UPON HER TO ACCOMPANY HIM. THE FATHER THEN LEVELED HIS GUN UPON HIM AND AFTER TAKING HIM INTO CUSTODY, TELEPHONED THE SHERIFF'S OFFICE.

Because of the numerous complaints coming to the officers in cases of this kind the sheriff intends to prosecute him if he can and will hold a conference with the district attorney with relation to the law on the subject this afternoon.

TO SUIT THE CRITICAL EYE

Of course this means the feminine, to satisfy the masculine taste, to resist the daily wear---these are the points we have to study in the building of our Clothing to suit our particular class of trade.

OUR SUITS RANGING FROM \$10 to \$30 ARE NOT TO BE EQUALLED

G. W. JOHNSON & CO.

141 N. Commercial Street

Phone 47

ARRESTED FOR ACCOSTING LITTLE GIRLS

Becoming aroused over the actions of an Italian towards his little daughter, a farmer by the name of Tschudi, living near the stone quarry this afternoon covered him with a gun and then telephoned for a deputy sheriff, who immediately went to the scene and took the Italian into custody.

The Italian, it seems, had for several days been annoying little girls in the vicinity, and suspecting that he might trouble his daughter who was going on an errand to a neighbor, the father took his gun and concealed himself by the roadside. As soon as the Italian saw the girl he approached her and tried to prevail upon her to accompany him. The father then leveled his gun upon him and after taking him into custody, telephoned the sheriff's office.

Because of the numerous complaints coming to the officers in cases of this kind the sheriff intends to prosecute him if he can and will hold a conference with the district attorney with relation to the law on the subject this afternoon.

One Pill One pill at bedtime. Brings morning relief from the headache, indigestion, nervousness, biliousness, due to constipation. If your doctor approves, why not use Ayer's Pills? Then seek this approval without delay.

A Splendid Investment

We have 25, 50 or 75 feet of finest business property for sale on Commercial street at \$200 a foot. Property across the street held at \$400 a foot. Property within half a block sold at \$300 a foot within six months. Lot 165 feet deep, rear on S. P. railroad and Oregon Electric half block away.

Owner will pay half of party wall for two to five-story building. An investment that will net you fifty per cent within a year. This offer good only for a limited time.

Also finest corner in the city now for sale---only fine corner left on Commercial street--- at a bargain too good to mention details.

E. HOFER & SONS

213 S. Commercial St. Phone Main 82, Salem, Ore

ROSTEIN & GREENBAUM

Millinery at greatly reduced prices, all flowers are now marked out in the bargain boxes. Trimmed hats, nice up-to-date hats---you are welcome to look them over. We have always been known to have reasonable prices. Now our prices are greatly reduced. SHAPES and TRIMMINGS ALSO AT REDUCED PRICES.

EMBROIDERIES

- Nice embroideries and insertions at 8c yd
- Corset covers, embroideries at 18c yd
- 17 1-2-inch embroidery flouncing at 20c yd
- All-over embroidery at 29c yd

- Girls' middie blouses, only75
- Ladies' white silk \$3.00 waist, only \$1.75

- Long silk gloves at 59c pr
- Nice lace collars at 25c ea

SEE US FOR LADIES' and MEN'S DUSTERS, ROMPERS OVERALLS, OVERSHIRTS, UNDERWEAR, HOSIERY

ROSTEIN & GREENBAUM

240 and 246 Commercial Street.

Sixth Annual Cherry Fair And Carnival

SALEM, JULY, 6, 7 & 8, 1911

Greatest three day celebration and midsummer amusement event. Three grand pageants in honor of King Bing and Queen Ann as imperial rulers of the merry-makers.

Cherry Pavilion and Carnival Attractions at Marion Square. \$1000 will be expended on prizes, silver cups and exhibits of finest cherres in the world.

Three Grand Parades

Thursday, July 6, 10:30 a. m. Grand Civic, Industrial and Historic Parade. Iowa Picnic at noon at Marion Square.

Friday, July 7, 10:30 a. m. Automobile Parade, \$200 in prizes for the best decorated cars---open to the whole state.

Saturday, July 8, 7 p. m. Great Comic Screamer, two miles of continuous, uproarious fun on wheels; all nations; \$200 in prizes.

Special Baby Parade and Perambulator Procession, Saturday at 10:30 a. m. \$100 in cash prizes. Bring the twins.

Country Fiddlers' Contest and dancing on public pavilion for prizes every evening. Lights go out at midnight.

Amateur Athletics and Sports on the streets every afternoon with \$300 in cash prizes. Leading state athletes present.

Five Bands, Vocal Quartets; Balloon Ascensions; High Divers; Slide for Life; Street Sports; Fine Speaking Program Daily; More Free Attractions than you ever saw in your life.

Reduced rates on all railroads and steamboats.

JAS. R. LINN, President.

CHAS L. DICK, Secretary