

WIRES MUST STAY

Medford Must Not Remove Telephone Lines.

INJUNCTION OF U. S. COURT

Deputy Marshal Leaves to Restrain City Government From Proceeding Against Property of Sunset Telephone & Telegraph Co.

By a temporary injunction, granted yesterday in United States District Court, the entire city government of the town of Medford, in Jackson County, was restrained from taking any action toward the removal from the streets of that town of the telephone and telegraph lines of the Sunset Telephone & Telegraph Company. April 3 is set as the date for a hearing in the matter, if the authorization of Medford desire to show why the injunction should not be made perpetual.

December 17 last the Medford Council passed an ordinance requiring, among other things, that the telephone company should pay into the city treasury an annual license fee of \$200; that the monthly charge for telephone instruments and service should not exceed \$1.50; and that, if the telephone company should fail to comply with the terms of the ordinance by February 1, the city authorities should proceed to cut down and destroy the lines in the city. The ordinance was approved by Mayor Crowell the same day. It was passed by the Council. The city has demanded upon the company to comply with the terms of the ordinance, and the company has respectfully declined. To avoid destruction of its property and to get the matter before the courts for adjudication, the telephone company presented its petition for injunction, accompanying it with a long statement of the relations of the company and the town of Medford.

The company recites that it is a California corporation; that it is authorized by the United States Postal Department to transmit Government messages, telephone and telegraphic; that it has for a number of years had its lines in unquestioned operation in the city of Medford, giving the city no trouble and contributing to the convenience of doing business there; that the license fee of \$200 exacted by the ordinance passed last December is unreasonably large and oppressive, and entirely out of proportion to any extra service that might be required by the city government by reason of the presence of the lines in the city; that the monthly charge of \$1.50 authorized by the ordinance is inadequate to the support of so small an exchange, the number of subscribers therein being only 60; that the ordinance in question violates and contravenes the constitution in several particulars, the chief one being that it seeks to impose restriction on interstate commerce. The petitioner admits that the license fee of \$200 might not be unreasonable. The injunction order names the Mayor, all the Councilmen, the City Recorder and the City Marshal, and commands all to refrain from molesting in any way, interfering with the business or property of the Sunset Telephone & Telegraph Company. A Deputy Marshal left last night to serve the injunction on the Medford authorities, this being the day, according to the ordinance, when they might proceed to uproot and tear down the lines of the company.

AGAINST BUILDING ASSOCIATIONS.

Two Adverse Decisions Are Rendered by Judge Frazer.

Two more decisions adverse to building and loan associations, rendered by Judge Frazer yesterday. One was in the case of Eliza J. Sheppard against the Washington National Building and Loan Association to recover \$25, said to have been overpaid on a loan as the result of usury practiced by the defendant under its peculiar contract. And the other decision was given in the suit of B. F. Dahlhammer also against the Washington National company, to recover \$25 on an alleged usurious loan. The company in its answer, which was the same in both cases, set up that the plaintiffs, by reason of having made payments from month to month, which were entered in his pass book, and also having had dividends credited every six months in his favor, was estopped from alleging that the contract was usurious. William Reid, attorney for the defense, demurred to the answers, and the demurrers were sustained by the court. Judge Frazer in passing upon the demurrers said the same questions had been raised before, and decided, and it was unnecessary to discuss them. He sustained the demurrers on the ground that the parties were not estopped from setting up the illegality of the contracts.

CANNOT COLLECT \$4124 NOTE.

L. C. Driggs Loses His Suit on Decision of a Demurrer.

In the suit of L. N. Driggs against E. H. Thompson to recover \$4124 on a note executed to the Union Banking Company June 15, 1912, Judge Frazer sustained a demurrer of the defendant. The note was assigned by Frazer Hinchoy, receiver of the Union Banking Company, to Mrs. Sarah J. Henderson, and by Mrs. Henderson to Driggs. The collection of the note is barred by the statute of limitations, having been made over six years ago, and to avoid the operation of this statute it was set up in the complaint on information and belief that Thompson within the past six years acknowledged and promised to pay the note. This was demurred to by Thompson's attorney, Ralph R. Dunaway, on the ground that the complaint does not state facts to constitute a cause of action, and that the action was not commenced within the time limited by the code. Judge Frazer in sustaining the demurrer stated that an allegation of information and belief is not sufficient in a case of this kind; the allegation of acknowledgment of the debt must be positive. There must be an instrument in the note of a payment, or an agreement in writing of willingness to pay the note.

MUST PAY ASSESSMENTS.

City of Portland Wins Suit in Which Point is Involved.

In the suit of Rebecca Cole vs. Perry G. Baker and the City of Portland, involving the collection of assessments for the Sunnyside sewer, amounting to a considerable sum, Judge Frazer and Sears yesterday decided that the assessments must be paid. It was held that in a collateral proceeding, the property owners can be held responsible. A decision was made in some time ago, when the court held that sufficient notice had not been given the property-owners and the city could not collect. Judge Frazer consented to a rehearing of the case, with the result that the court discovered that this is a collateral proceeding, and the court now holds that so long as the city gave a notice, it is not the duty of the court to inquire into the validity of the notice. For this reason a decision was handed down in favor of the city, and on other points in favor of the plaintiff.

PLEADS GUILTY TO POLYGAMY.

Harry A. Brown Owns Up to Two Wives and Gets One Year. Harry A. Brown, a colored man who has worked as a Pullman car porter, pleaded guilty in the State Circuit Court yesterday to a charge of polygamy, and

was sentenced by Judge Frazer to one year in the penitentiary. The information sets up that on December 25, 1901, Brown, having a former wife living in the person of Susie Brown, married Savannah B. Williams in this city. He married the first time in New Mexico in the year 1898, and deserted his first wife at Oakland, Cal. She followed him to Portland and swore to a complaint against him. Brown in entering his plea, cried and blubbered and informed the court that he was an ignorant man without any education and did not know he was doing wrong. Gustave Anderson, who was appointed by the court to defend Brown, stated that he did not think the defendant was a very bad man. Brown at first strenuously denied his guilt, but when told by his counsel that he had seen the certificate of marriage executed in New Mexico, he weakened and agreed to throw himself upon the mercy of the court.

FRANK OLSE GOES FREE.

Charge of Assault Dismissed in State Circuit Court.

The case of Frank Olse, appealed from the Municipal Court, was dismissed by Judge Frazer yesterday, on motion of District Attorney Chamberlain. Olse was tried and convicted in the lower court of assault and battery on H. P. Hillman, and was fined \$5. Mr. Chamberlain said he could not prosecute the case because Hillman had left the city. A dismissal in the State Circuit Court is the inevitable result in such appealed cases.

TWO DIVORCES GRANTED.

Mary E. Everest and Charles Bush Legally Separated From Spouses.

Mary E. Everest was granted a divorce by Judge Sears from Martin Everest, to whom she was married in Washington County in 1918. She testified that he willfully abandoned her in August, 1919. Charles Bush was divorced from Louise Bush by Judge Sears yesterday because of desertion which occurred in August, 1919. They were married at Port Townsend in 1918.

Suit Against Railroad Dismissed.

The case of F. and Christine M. Krumbein vs. the Astoria and Columbia River Railroad Company to recover \$27 for a trunk lost in the summer of 1919, was dismissed by Judge Frazer yesterday, on motion of Attorney D. J. Maloney. The contents of the trunk comprised valuable personal effects and wearing apparel. It is stated that the company paid \$50 in settlement.

Articles of Incorporation.

Supplemental articles of incorporation of the Portland Lumbering and Manufacturing Company, changing the name to the Portland Lumber Company, were filed in the office of the County Clerk yesterday by G. K. Wentworth, of Chicago, and Lloyd J. Wentworth and G. J. Evenson, constituting the board of directors.

Court Notes.

The Alnsworth National Bank has sued Judge Frazer and Christine M. Krumbein to recover \$400 on a note.

John B. Wittze was appointed administrator of the estate of Amy Wittze, deceased, valued at \$157. B. C. Wittze, the husband, and four children, are the heirs. Thomas Whittier was appointed by Judge Calk yesterday administrator of the estate of Richard Haley, deceased, valued at \$800. The heirs are John Haley, his son, residing at San Francisco, and Kate Haley and Kate Haley Wells, residing at Boston. The last named are a sister and niece, respectively.

WOMAN'S CLUB AT HOME.

Annual Reception to Members and Friends—A Delightful Affair.

The annual reception of the Woman's Club yesterday afternoon in the Seiling-Hirsch building proved to be one of the most delightful in the club history. About 100 guests availed themselves of the invitation to drop in and enjoy a cup of coffee or a sippet with a friendly chat about Indian art, or Nordic, or how to mix a martini. And it was a pleasant feature that everybody who came tarried far beyond the conventional time customary at formal receptions. The rooms were charmingly decorated, great bunches of pink carnations catching the eye in every available nook. The table was particularly pretty with pink trimmings, carnations set off by delicate sprays of asparagus fern, and the rosy glow from pink candelabra. The guests were received at the door by Mrs. W. Wynne Johnson, Mrs. Norris R. Cox, Mrs. G. W. Bates, Mrs. Mark Levy and Mrs. Seneca Smith, and were then passed on to receive a kindly greeting from the club officers—Mrs. U. S. G. Marquand, president; Dr. Mac Cardwell, vice-president; Mrs. Alma Rogers, recording secretary, and Mrs. A. H. Breyman, treasurer. These were assisted by Mrs. Adolph Dekum, Mrs. Julia Comstock, Mrs. M. A. Dalton, Mrs. Henry E. Hopper and Mrs. John McRobert. A popular topic of conversation was the delicious pine-apple sherbet served to guests; it was made for the occasion at the Domestic Science School by Mrs. A. E. Ellen R. Miller. Ice cream and tempting home-made cake were also offered the hungry visitors by members of the social committee—Mrs. Johnson, Mrs. Edvard Werlein, Mrs. C. R. Tompkins, Miss Little Cake, Mrs. George D. Green and Mrs. H. W. Games, who were assisted by a dozen or more club members. Mrs. May Dearborn Schwab gave some delightful vocal numbers that showed the purity and sweetness of her voice to excellent advantage. The Wilder Quintet furnished a number of enjoyable musical numbers.

SNOWBALLING A NUISANCE.

Large Gang of Youngsters Terrorize Residents on Belmont Street.

Great complaint has been made of the action of about 30 boys of ages from 10 to 15 years on Belmont and East Twelfth in snowballing people passing. A woman passing that way yesterday was struck on the face with a hard snowball and injured. No discrimination is exercised. Every one, men and women, are pelted with icy snowballs at all hours of the day. A resident said yesterday that he could stand a reasonable amount of snowballing for boys must have their fun, but it is being carried too far. Since the snow has been melting he says that it is dangerous to appear on Belmont street, near East Twelfth. The snowballs are made hard and icy, and when thrown with force strike with the velocity of a stone. Harold McCullough, who lives in Brooklyn, was struck on the nose with a hard ball, causing a severe injury. The blood flowed freely and stained the snow crimson. A boy in Upper Albina named Franz Carter was struck over the left eye with a hard snowball with such force that it is feared that he may lose the sight.

S. B. CATARRH CURE

Is taken internally, acting directly on the blood and mucous surfaces of the system. It permeates every fluid of the body, eradicates the disease from the system, cleanses and heals the afflicted parts and restores them to a natural, healthy condition. For sale by all drug stores, on catarrh free. Address Smith Bros., Fresno, Cal.

NOTICE.

If ice in the Columbia does not interfere, the O. R. & N. Excelsior will have here tonight for Astoria at usual time, 10 P. M. Otherwise she will not leave until Monday. If you feel all played out, you should take Hood's Sarsaparilla. It never disappoints.

CITY MAKES THE REPAIRS

IMPORTANT STREET PROVISION IN NEW CHARTER.

Owners of Abutting Property Will Be Asked to Defray Only First Cost of Improvements.

The feature of the new charter which many of its framers contend will do more to give Portland good streets than any other is the provision making it the duty of the city to keep up repairs, once a pavement is down, and pay for them out of the general fund. Mayor Rowe, City Auditor Devlin and other well-informed men in Portland on municipal matters hold this to be of more importance even than the method of assessment, at whose door most of the blame for the present execrable condition of the streets has been laid. As has been pointed out in previous articles in The Oregonian, the city is now utterly lacking in adequate means to keep streets in repair. Little dabs of crushed rock are deposited here and there on macadam streets, when they become worn, but the material will not unite with the general surface of the street, and the first few wagon wheels that roll over it push it out, and leave it scattered along the way, to become a cause of more erosion of the general surface. Contractors are made to keep a street in repair now and then, but the process is slow and wearisome, and often proves more expensive than direct repairs by the city. These street after street, newly improved, smooth as a boulevard, and a thing of pleasure, pride and beauty for a week or two, soon begins to present a broken and unattractive surface, and in a little while, a few years, the outgrowth of the process is a street of mottled stretches that back-drivers avoid like black holes, and property-owners blush to price. An asphalt pavement over a concrete foundation costs more than \$200 per 50-foot frontage, and an ordinary macadam improvement sets the property-owner back nearly \$100 for the same holding. It may be seen that the deterioration of an improvement is not a cheering sight to see. Naturally, all the traffic in any one part of town will jump to a street as soon as the barriers put up during the course of its improvement are down, and the people who have paid for it feel that they have reason to object to giving up more money for another improvement within a year or two. A little work, done steadily from one year to another, will increase the life of a pavement to 10, 15 or even 25 years, according to the character of the material used and the amount of traffic carried. With the city empowered to attend to these repairs, and their cost falling not on the owners of abutting property, but on the general public, there will be far less reason for refusal to pay

for improvements, and consequently far greater likelihood of securing them. Those who have been careful to inform themselves on the subject of streets, and there are a great many such, assert that more petitions for improvement have failed to secure enough signatures from the fear that a street would hardly outlast the time required for its improvement than for any other cause. It is not necessary to petition the Council to improve a street under the present charter, but as the holders of a majority of the abutting property can remonstrate one out of existence, the same objections will achieve the same results. The system of direct and parallel improvements, as advocated by City Engineer Chase, will, it is understood, not be provided for under the new charter, its framers believing that better results can be accomplished by improving one street at a time. It is asserted, however, that by making the repairs to a street the business of the city and not of the property-holders, the greatest objections to building good streets will be removed, and that the Council will meet with little opposition in ordering improvements wherever they are needed.

PERSONAL MENTION.

Edwin Cummings, proprietor of the Occident Hotel, of Astoria, is in the city and is a guest at the Imperial.

John L. Sharpstein, a well-known attorney of Walla Walla, is at the Perkins on a business trip to the city.

C. J. Vanduin, a merchant of Tygh Valley, is at the Perkins, and will be in the city several days on business.

State Senator J. W. Morrow, of Heppner, who is prominent in politics in Morrow County, is at the Imperial.

R. Alexander, a prominent Pendleton merchant, is at the Imperial en route home from a trip to San Francisco.

Dr. J. A. Geisendorfer, of The Dalles, a prominent physician, is in the city on a pleasure trip, and will remain for several days.

Mrs. F. I. Dunbar, wife of the Secretary of State, passed through Portland yesterday en route to her home in Astoria for a short visit.

A. F. McClaine, of Tacoma, who is at the Imperial, is a prominent banker in the Sound city, and has many interests in that section.

Robert Forster, a lumberman of Pendleton, who operates a large door and blind factory, is in the city for a brief visit. Mr. Stone is manager of the Oregon Pacific Railroad, which extends from Albany to Yaquina Bay.

N. P. Sorenson, of Astoria, who is at the Perkins, is one of the owners of the Necanicum Spruce Company, and has large timber interests on the Columbia between Astoria and the sea.

Mrs. A. de F. Smith and daughter, Mrs. Margaret Smith, are at the Portland. Mrs. Smith is the mother of Minnette Barrett, who, during the recent tour of T. Daniel Frawley, played the ingenue roles, and

Store open tonight until 9:30—Usual concert—(Third floor.) Meier & Frank Co. Meier & Frank Co. Today you should buy a year's supply of Toilet Articles—A big saving John Brown Table Linens, Sheets, Pillowcases—All at Clearance Prices. Place your Carpet and Window Shade order today and reap the benefit of Clearance Sale Prices—Lace Curtains greatly reduced. Tonight at 9:30 Ends The Clearance Sale You know what that means—Not for another year will you have the opportunity to choose at will from this mammoth stock of high-class merchandise at such remarkably low prices—Here, there and everywhere are bargains too numerous to mention—Every article, every line of goods included—The reductions and the merchandise are better than ever before and unequalled by any store in town—Arrangements have been made to serve an immense throng today—You'll find the store service at its best—As usual, the store will remain open tonight until 9:30. MEIER & FRANK COMPANY | MEIER & FRANK COMPANY

OLDS, WORTMAN & KING STORE CLOSAS AS USUAL AT 6 O'CLOCK FOUR DAYS MORE OF OUR Twenty-fourth Annual Clearance Sale SATURDAY is always an important shopping day. Two days' buying must be done in one, so this, the last Saturday of our Clearance Sale, is full of interest for the economically inclined. Bring your lists today, then start in again Monday morning for three days more of Making Money by Saving Money You will do it on every article you buy of us now. OLDS, WORTMAN & KING

Lipman, Volfer & Co. GREAT DUMP SALE ENDS TONIGHT An avalanche of bargains provided for your inspection today. SPECIALS in MEN'S OVERCOATS BOYS' OVERCOATS Underwear of all kinds Boys' Vestee Suits Boys' Sailor Suits You cannot afford to overlook this opportunity. DEEP CUTS all over the house. It will pay you to call today. LEADING CLOTHIER Ben Selling S. E. cor. Fourth and Morrison Sts.

LAST DAY OF OUR GREAT SALE Thousands of bargains in thousands of useful and necessary fabrics and articles. Every article in our great stock of first-class merchandise at reduced price.

is now a member of a Seattle stock company. Mrs. Smith leaves today to visit her daughter in Seattle, and Miss Margaret will remain here. Mayor G. J. Farley, of The Dalles, is in the city. Mayor Farley is taking an active part in the fight for the Congressional delegation in Wasco County, and he is one of State Senator Williamson's active supporters. Sum White, chairman of the Democratic State Central Committee, left last night for Baker City. Mr. White will return to Portland within the coming month, at which time Democratic headquarters will be opened here. Dr. Lawrence Draper, of San Francisco, returned on the Indravell from a tour of the Orient. He has been at the Portland since the steamer's arrival, and will leave for his California home shortly. Alf Ellinghouse, manager of the California Theater in San Francisco, was married here Thursday to Miss Lillian M. Lieblin, of Portland, the ceremony being performed by Rev. George Crossy, of the Unitarian Church. Mr. and Mrs. Ellinghouse left last night for New York, where the honeymoon will be spent. The groom is prominent in theatrical affairs in the California metropolis and was for a long time connected with the enterprises of Belasco & Thall. NEW YORK, Jan. 31.—Northwestern people registered at New York hotels today as follows: From Portland—S. J. Kraemer, at the Holland; D. B. Smith, at the St. Denis. From Olympia—R. A. Ayer, at the Grand Union. From Seattle—W. D. McCarthy, at the Cadillac; R. T. Guthrie and wife, at the Albemarle; N. H. Howard and wife, at the Imperial. From Tacoma—W. S. Crouch, at the Grand. NEW YORK, Jan. 31.—Dr. William H. Skeene, Brooklyn's famous gynecologist, was dined today by his associate, previous to his leaving for Portland, Or., where he will permanently locate. Gilbert Camp Election. The following officers of Gilbert Camp, Spanish-American War Veterans, have been elected: Commander, Richard Deich; senior vice-commander, L. Athey; junior vice-commander, L. D. Ewing; chaplain, G. H. Wigg; adjutant, D. I. Parson; quartermaster, G. B. McKinney; officer of the day, W. Rasmussen; officer of the guard, William Curtis. The next regular meeting of the camp will be held on the last Thursday evening of February, and all subsequent meetings will hereafter be held the last Thursday of each month. Doing Good. A great deal of good is being done in all parts of the country by Chamberlain's Cough Remedy. The most flattering testimonials have been received, giving accounts of its good work, of aggravating and persistent coughs that have yielded to its soothing effects, of severe colds that have been broken up by its use, of threatened attacks of pneumonia that have been ward off and of dangerous cases of croup that it has cured. The great popularity and extensive sale of this preparation can not be a surprise to any one who is acquainted with its good qualities. Use it when you have need of such a remedy, and it will do you good. For sale by all druggists. The American Cigar. Good as the name. Buy the best.