

NEW GROUND FOR DEMURRER FOUND

Bankers Plead Informations Not Filed Before Expiration of the Court Term.

OLD MOTIONS OVERRULED

Judge Cleland-Decides Grounds Alleged Not Sufficient for Quashing of Indictments - Defendants May Plead Saturday.

Unless they can quash the informations against them on other grounds than those already presented, J. Thorburn Ross, T. T. Burkhardt, George H. Hill and John E. Atchison, the indicted officials of the Title Guarantee & Trust Company, will be tried for their alleged crimes. Judge Cleland decided yesterday morning that the motions to quash the informations could not be granted, as there was no ground for quashing. The reasons for declaring the informations void, as urged by Wallace McCannant and Harrison Allen for the defendants, were that the names of witnesses examined by the District Attorney were not entered on the informations, that they were examined during the holidays, that other persons were present during the examination, and that the informations were not filed before the expiration of the first term of court after the indicted officials were bound over to the Circuit Court from the Municipal Court. This last ground for quashing was not brought forward last Friday, but Attorney Allen obtained permission to file a motion covering this point, which will be heard Saturday. Judge Cleland said, however, that he would hold that the January term, when the informations were filed, was the first term after the defendants were bound over. The defendants have been allowed until Saturday in which to plead, and will probably come into court to tell of the alleged crooked deals some time in February.

BEAUTY DOCTORS ARE BLAMED

Frank Kuhik Answers His Wife's Complaint for Divorce.

Frank Kuhik, a contractor, filed in the Circuit Court yesterday his answer to the complaint for divorce lodged against him by his wife, Mrs. Hattie Kuhik, in which she alleges that he threw hot potatoes at her. This he denies, and says that her fee for the beauty doctors has brought about all the unhappiness. He says her visits to the beauty doctors were too frequent, and that he opposed them, but finally paid the bills when his wife told him how she could leave her neck rounded out, the lines of her face smoothed down, and her hands made more shapely. Answering her allegation that he used profane language, he says that her nagging was the cause. He admits he slapped her once because she commented in unkind language on the fact that he had winked at a woman in a street car. He says he is worth only \$500 and that he has \$20,000, and asks to be granted the divorce on his own account. Howard T. Rankin has filed suit in the Circuit Court against Reina De L. Rankin to obtain a divorce on grounds of

desertion. The couple married at Oakland, Cal., December 21, 1904. Mrs. Rankin is said to have deserted her husband January 5, 1907.

CONVICTS WHOLESALF TRIEF

Jury Finds W. A. Haley Guilty of Stealing Structural Iron.

William A. Haley was convicted before a jury in Judge Gantenbein's department of the Circuit Court yesterday of stealing twenty tons of structural iron from a vacant lot at Ninth and Davis streets. Judge Gantenbein sentenced him to serve three years in the State Penitentiary. The testimony showed that Haley hired a number of trucks from the heat of the trial. The plaintiff sued for \$47 on a hop contract, and the defendants set up a counter claim of \$175. Half the testimony was taken before a jury in Judge Gantenbein's department of the Circuit Court, when the compromise was effected.

Trial Ends Abruptly.

The suit of McKinley Mitchell against Herman Klaber, Philip Wolf and Max J. Netter was dismissed yesterday when the litigants came to an agreement in the heat of the trial. The plaintiff sued for \$47 on a hop contract, and the defendants set up a counter claim of \$175. Half the testimony was taken before a jury in Judge Gantenbein's department of the Circuit Court, when the compromise was effected.

Sivener Is Bound Over.

Joseph Sivener was bound over to the grand jury yesterday on a charge of swindling. He is brother-in-law of Melville Bradley, who killed Patrolman J. W. Gittings a few weeks ago. Sivener's accuser is a saloonkeeper, who says Sivener sent him money from him on a worthless check.

Drunken Lodger Drives Out Landlady

Mrs. Whittle Obligated to Remain Out Three Hours in Cold, Partially Clothed, While Son Holds Possession.

MRS. M. E. WHITTLE was compelled to sit out from 10 o'clock Tuesday night until 1 o'clock yesterday morning because a drunken roamer at her home, 222 1/2 First street, had taken violent possession of the premises and refused to assist her in ejecting the bellicose drunkard. He was nearly 1 A. M. and Mrs. Whittle was next to frozen when her assailant, A. L. Frank, quit the place voluntarily. Mrs. Whittle went to the police station yesterday forenoon and told of her experiences, with the result that a warrant was issued for the arrest of Frank on a charge of assault and battery. The police had not far to search, for the fellow had been picked up while staggering about the streets after leaving the Whittle home. The charge of drunkenness against him was changed to that of assault and battery, on which charge Frank will be tried in the Municipal Court today.

Kavanaugh Asks Time.

City Attorney Kavanaugh yesterday asked the Council for and was granted further time in which to prepare an ordinance regulating the use of fenders on the street cars of the city. He was to have reported the ordinance yesterday, but said he must have more time.

SHEPHERD JOKES WITH COUNCILMEN

Lawyer Likens Mayor and City Fathers to Grafters Ruef and Schmitz.

ACCUSED TREAT IT LIGHTLY

Only Rushlight Makes Heated Reply-Entertaining Dialogue Over Inman-Poulsen Company's Occupancy of City Property.

Mayor Lane, the members of the City Council and the people of Portland were likened to Schmitz and Ruef during a session of the Council yesterday afternoon by George S. Shepherd, attorney for the Inman-Poulsen Lumber Company. His characterization was evidently taken as a jest by some of the members, as only Councilman Rushlight answered him at all heatedly. Mayor Lane, who was presiding, did not reply to the remark, which was made while the petition of the Inman-Poulsen Lumber Company for the vacation of certain East Side streets was under discussion. The petition was finally referred to the streets committee, and the date for action was set as February 23, against which Mr. Shepherd, counsel for the company, fought hard.

Mayor Lane has demanded that some action be taken to compensate the city for the several streets occupied by the large plant of the Inman-Poulsen Lumber Company. He suggests rental, on a lease, if it is deemed unwise to force the corporation to vacate, but he strongly believes some consideration should be given for the use of what he declares to be public property. Mr. Shepherd, for the company, denies the right of the city to act on the theory that the streets, so called by Mayor Lane, were never dedicated, and that no rental can be legally collected or any lease entered.

What It Was All About.

There is a certain tract of ground owned by the mill company which has been offered to the city as an exchange, and it was when this matter was being discussed that Mr. Shepherd likened the officials and citizens of Portland unto Schmitz and Ruef, in holding up the French restaurant-keepers of San Francisco.

"The action of the Council and city in this matter is about the same system as was used by Schmitz, in San Francisco, when he went before the license committee and threatened to have the licenses of French restaurants revoked," said Lawyer Shepherd. "However, the California courts have decided that this was lawful. The city has no rights in the premises, relative to the Inman-Poulsen Company, as the streets were never dedicated, and the city cannot, therefore, exact rental or force the vacation of the streets by the company, which has used the streets for 15 years. I have come to the conclusion that a public grant is no better than a private grant."

"May I ask when you came to that conclusion?" spoke up Councilman Kellaher. There was laughter, as Mr. Shepherd formerly sat as a member of the City Council. "I would like to ask you," Mr. Shepherd, why you are here, if the city has

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no rights in the premises" said Councilman Vaughn.

"Because I got a letter from Mayor Lane, there, telling the company to get out," quickly replied Mr. Shepherd.

"Just let me correct you," replied Mayor Lane. "You have no such letter; I never said you must get out. What I said was that I desired to know by what right or title the Inman-Poulsen company held the property of the city."

"I take the effect of things," answered Mr. Shepherd. "I'm a blunt man, less polite than Mayor Lane."

"Would the company accept a permit from the city to occupy the streets where its mill is located during the official life of this Council?" asked Mayor Lane of Mr. Shepherd.

"Yes, I think the company would," was his reply. "The company will do anything reasonable."

Plot Offered in Trade.

Speaking of the plot of ground once offered by the company in exchange for the streets now occupied by the mill, Mr. Shepherd said "we will give that little plot to the city, to use for a duckpond, a crematory or anything the city may determine."

"You have called the Mayor and Councilmen grafters, and likened us to Schmitz and Ruef," he replied Councilman Rushlight, in whose ward the mill is located, "but we are here to protect the interests of the city. You say we are grafters, like the San Francisco men; well and good; we'll let that pass, but we will look out for the interests of the city while we are here. Now, you mentioned putting a crematory on that plot you propose to give to the city. I will oppose a crematory there, unless it would be to erect one for the purpose of cremating a few of the mossbacks that do business there. If that is the object of a crematory being put up there, I favor it, as we need to cremate some of them." The Council then voted, against Mr.

WE ARE NOW SCOOPING OUT GROCERIES!

Don't be blind to your own interests—you can just as well have a bunch of free groceries every week as not. I am no kicker—I believe in Portland—I believe in her people—and if we all would go ahead and—DO—TRY—WORK—to the best of our abilities—instead of getting scared until we imagine we can see the shadow of the poorhouse gates—there would be no hard times. I say, help yourself to the best of your ability—if you don't, nothing will be doing. That's what I think and what I am doing.

The proposition for this week only is absolutely as follows: We give you groceries free equal to the amount of purchases from us in our main store or merchant tailoring department. I want you to know that I have opened the FAMOUS GROCERY DEPARTMENT and also that I have opened up the largest MEN'S MERCHANT TAILORING DEPARTMENT in Portland, and GROCERIES GO FREE with the MEN'S TAILOR-MADE SUITS, just the same.

J. M. ACHESON.

Ladies' Coats \$6.95, Children's Coats \$3.95, Caracul Coats \$9.75, Golf Gloves 30c, Bath Robes \$2.25, Belt Buckles \$1.65, Underwear 79c, P. D. Corsets \$2.15, Ladies' Suits \$14.75, Furs 95c

SATURDAY ONLY People paying money on account will be entitled to Groceries the same as purchasers J.M. ACHESON CO. Wholesale and Retail Cor. Fifth and Alder

SEATTLE EXPOSITION SENDS FIRST DESIGN FOR FLOAT TO BE ENTERED IN ROSE FESTIVAL PARADE



PROPOSED FLOAT TO BE BUILT FOR PORTLAND ROSE FESTIVAL BY ALASKA-YUKON-PACIFIC EXPOSITION

The first design for a float to be entered in the All-Northwestern parade of the Rose Festival to be held here next June has been presented by the management of the Alaska-Yukon-Pacific Exposition, a reproduction of which is given herewith. Seattle was the first city in the Pacific Northwest to offer material assistance to the Festival Association, and the accompanying drawing is evidence of the interest the Puget

Sound metropolis is taking in the plans of the big jubilee. It is not hard to recognize in the preliminary sketch the official seal of the A.-Y.-P. Exposition, for it embraces the Oriental maiden holding the steamship in her hand, the Western maiden with the railroad train in her hand, and the feminine type with both hands laden with golden nuggets to represent the Far North. Living figures will represent these characters as well as that of the figure of Columbia at the right of the design.

The aurora borealis and the American flag are to be brought out prominently through electrical effects, which the expert float-builders will arrange, in case this design is accepted. It will be discussed by the executive committee this afternoon, and final action taken. The festival rose planting committee consisting of the following citizens will confer with the Park Board at the regular meeting at 10 o'clock this morning, for the purpose of arousing interest in the plans of the Festival Association: Dr. Emmett Drake, L. G. Clarke, William

McMurray, F. V. Holman, S. F. Sibson, F. Dresser, E. B. Piper, and E. W. Howe. This committee will endeavor to secure the support of the Board of Park Commissioners in the plan to have all plaza blocks planted with roses this Spring. The transportation building at the Lewis and Clark Fair Grounds was leased yesterday by the Rose Festival Association and will be used as a workshop for the building and storing of decorative, floral and electrical floats which are to appear in the various festival street parades.

Shepherd's protest, to refer the petition to the streets committee and to take definite action February 25.

SELECTION NOT ACCEPTED

SQUABBLE OVER POLICE SUBSTATION SITE BEGINS.

Councilman Menefee Objects to Committee's Report and New Bids Are in Order.

It is evident that there is to be a determined fight over the selection of a site for the proposed East Side police substation. When the report of the committee on ways and means came up for action at the meeting of the City Council yesterday afternoon, Councilman Menefee declared that the selection of the half block at Eighth and Hancock streets by the committee was a mistake; that it was a poor location, and that there was no good reason for placing it there. He moved that the Council authorize the purchase of the property at Union avenue and Hancock street, recommended by the police committee of the Executive Board. The matter was finally referred to the committee on health and police, and the whole matter is to be gone over once more. New bids are now in order—if any one dares offer them.

The reference to the committee on health and police, which virtually means that a new site will be selected, angered William Reid, who controls the half block recommended by the ways and means committee, and he asked the privilege of addressing the members of the Council, which was granted in a very loud tone of voice he began to upbraid Mr. Menefee and others who disagreed with him on the location and price, but was stopped by Mayor Lane, who said: "Mr. Reid, before you proceed further, I will remind you that there is no one in this room who is deaf."

Mr. Reid then calmed down in sound, but not in sentiment, and ended by insinuating that Councilman Menefee was directly interested in the site at Union avenue and Hancock street, which charge Mr. Menefee emphatically denied.

Councilmen Vaughn, Rushlight, Wallace and others favored the site recommended by the ways and means committee, but a good deal of consideration was given Mr. Menefee, as he represents the ward in which the sites offered are situated. He said there is already much opposition to the placing of the substation at Eighth and Hancock, and believed it the better way to purchase the site recommended by the police committee of the Executive Board, although it is valued at \$1150 more than the other property and is only half as large.

He said he believed the police should be given what they want, inasmuch as it is their duty to conduct the police department.

MacDonald Still Waiting.

The ordinance providing for the salary of James MacDonald, who worked one year as bailiff in the Municipal Court without receiving a cent from the city, is slumbering "on the table," and the Councilmen who are responsible for the condition evidently do not dare take it from the table. It was called up yesterday afternoon, during the session of the Council, but was quickly put back, and none of the Councilmen who have championed the cause of MacDonald tried to put it on final passage. Councilman Vaughn has fought the bill all the time on the ground that it is illegal, as the appointment was irregular.

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was presented to the Council yesterday afternoon and was passed.

MAY REOPEN FEBRUARY 1

Merchants National Bank Officials Urge Depositors to Act.

Hopes are entertained by J. Frank Watson, president of the Merchants National Bank, that depositors in that institution will be prompt enough in exchanging their demand deposits for time certificates to allow the bank to resume business by February 1. This can be accomplished if creditors come in at once with their pass books and accept the certificates.

"We should like very much to make the reopening date February 1," said President Watson, "but we may not be able to do it. In fact unless depositors come in promptly, we cannot open the bank for business again until some indefinite time during the next 30 or 60 days. We are very much in hope, for the good of all concerned, that we can resume February 1 but we are not yet assured of this."

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