

CARRY INITIATIVE TO GUEST COURT

Decision Against Telephone Companies Will Be Ap- pealed Without Delay.

CLELAND RULES FOR STATE

Similar Action Expected on Part of State Supreme Court Which Has Already Passed on the Point Involved.

The initiative and referendum amendment to the State Constitution was upheld in a decision rendered by Judge Cleland yesterday morning. Upon the validity of the amendment hangs the outcome of the suit of the State of Oregon against the Pacific States Telephone & Telegraph Company and that of another suit brought against the Sunset Telephone Company. The state is seeking to recover the taxes levied upon the gross earnings of the telephone companies.

The Sunset Company's attorneys stipulated, with those of the Pacific States Company, that, as the same question is raised in both suits, the Sunset Company will abide by the decision rendered in the case against the Pacific States Company. In its answer to the state's complaint the Pacific States Company attacked the constitutionality of the initiative and referendum amendment, and also the validity of one of those imposing the gross earnings tax. Attorney-General Crawford and District Attorney Manning, who had filed the complaint with the state, then interposed a demurrer to the telephone company's answer, alleging that no defense was set up by the company.

In its answer to the complaint of the state the telephone company alleges that the initiative and referendum amendment is in violation of sections 2, 3, 4 and 5, article 1, and sections 2 and 4, article 4 of the state constitution, as well as articles 3, 5 and 14 of the United States constitution. It is the contention of the company that the provision of the Federal constitution requiring every state to have a Republican form of government is violated by the initiative and referendum. It is the argument of the Attorney-General that the amendment is a political, not a judicial, question.

Four paragraphs of the answer alleged that the telephone company should not be taxed for its gross earnings for the Government and its officials. These portions of the answer were stricken out yesterday by the defendant, so that the validity of the initiative and referendum amendment might be the only question involved.

Until yesterday it had been expected that E. S. Pillsbury, of San Francisco, would be in court, but as it was not expected that Judge Cleland would render a decision contrary to that of the Supreme Court in the case of Kaderly vs. Portland, the case was submitted without argument. It is to be rushed through to the United States Supreme Court as rapidly as possible.

Sues Gas Company for \$10,000.

The Portland Gas Company is again involved in a damage suit. Larntz E. Haave has filed a complaint against the company in the Circuit Court, in which he demands \$10,000 damages for being scalded. He says he is a machinist by trade, and was employed at the company's gas plant. He describes a pit in which is a steam pump, and says that on October 21, last year, as he turned a drain cock to draw off some water, an explosion occurred. The hot steam filled the pit. As there was no exit except by a ladder, Haave was badly burned.

Murder Case May Reach Jury Today

When the Circuit Court adjourned last night John Wynne, on trial for the murder of W. H. Du Puit, was on the witness stand in Judge O'Day's department, testifying in his own behalf. He had been questioned by his attorney and was being pled with questions by Deputy District Attorney Seabrook, for the state. The case will doubtless go to the jury today, as the attorneys for the defendant have withheld Wynne's testimony until the last.

SAFETY IN THE SCHOOLS

Board Provides to Safeguard Children's Lives.

Decisive steps were taken by the Board of Education yesterday towards providing every possible precaution against loss of life from fire in any of the public school buildings of the city. Four fire escapes were ordered for the new East Side High School, and to the building committee was referred the Superintendent's report on immediate alterations in the West Side High School building to comply with the recommendations of the officers of the Fire Department. It was further ordered that weekly fire drills be held at each of the schools. Failure on the part of a principal to hold these drills and to report the fact to City Superintendent Rigler will subject him to a fine of \$5.

Director Fleischer brought up the subject of providing the very best possible protection from fire for the pupils of the public schools. He referred to the criticism that had been made because a blackboard had been nailed across windows in a room in the West Side High School building, supposedly shutting off one of the exits to the fire escape. He explained that an investigation he had learned that the misunderstanding had resulted entirely from a misplaced "fire escape" sign which in the assembly hall and not in the room where the blackboards had been installed. Mr. Rigler remarked that the signboard had been removed to the assembly hall, where it properly belonged.

When the blackboard subject had been disposed of, Mr. Fleischer announced that he had requested a report from Fire Chief Campbell on the actual condition of the West Side High School building and its fire equipment. He submitted a report that had been prepared by Battalion Chief Young after an examination of the building and in which the following recommendations were made:

- Remove obstructions to fire escapes from gallery (blackboards).
- Place signs on all doors through which fire escape may be reached.
- Place automatic fire catchers on the doors to hold them open.
- Install two four-inch standpipes in main hall with hose, gate and hose at each floor those gates to be approved by the fire department.
- Remove ashes from the basement and provide metal ash barrels.
- Place signs at all push buttons for fire alarm purposes and have one fire ax placed near each button.
- Extend the fire alarm to the fourth floor and sound the fire alarm daily.
- Remove all windows from the building and Cold-air shaft to furnace to be changed to the north and south side of the building and be built of metal.
- Floor joists under the main hall should be metal lath and plastered in case of fire the wooden joists would burn rapidly.
- Remove the fence on the south side of the building.
- Place shut-off damper in hot-air register to prevent passage of fire.

The report of the Battalion Chief was referred to the supply committee, together with Architect Jones, and the committee will immediately comply with a majority of the recommendations.

ERRORS FOUND IN NOTICES

BATCH OF 2500 ELECTION POS- TERS MUST BE REPRINTED.

Registration of Voters Holds Up and Total Will Soon Pass the 20,000 Mark.

As a result of three errors printed on the cloth election notices, the entire lot of about 2500 must be reprinted. The errors were not discovered until about half the judges and clerks of the precincts of the county had received their notices. It will be necessary for the County Clerk to re-mail the new ones to these judges and clerks, and they will be obliged to tear down the notices now posted, and to put the others in their places. Daily registrations of voters are increasing. A few weeks ago the daily average was 300, but now more than 400 are being registered. The total number of registered voters will soon reach 20,000. Last night the totals were as follows: Republican, 10,787; Democrat, 200; miscellaneous, 913; total 13,900. Republican precinct committees seem slow in filing with the County Clerk their declarations of intimation. While 51 Democratic precinct committees have filed their declarations from would-be Republican committees are on file.

"Our New Girl" at the Lyric Theater

The laughter of the audience which witnessed the performance of "Our New Girl" at the Lyric last night was the surest guaranty of the success of the latest effort of the Allen stock company. The patrons of this popular company are ever exacting, too, and are not given to indiscriminate approval of an offering unless it comes up to a certain standard of excellence. Therefore the management should feel well satisfied with this week's bill.

"Our New Girl" is a farce, pure and simple. There is never a moment when the members of the cast are not engaged in an excruciatingly funny series of misunderstandings out of which they emerge only as the last curtain is about to fall. There is, of course, little or no plot, no farce ever bothers with such a thing as plot. There is just sufficient story to string a score of hilarious situations upon to give the players a chance to speak in humorous lines. Benjamin Browne and his wife being newly married, start housekeeping with the handicap of an officious mother-in-law in the house. She is determined that they shall practice medicine, in which desire she is backed up by Mrs. Browne. The unhappy bridegroom objects, but is overruled, and consequently is in pain and off on the public as a doctor when he knows absolutely nothing of what is expected of him. Patients fairly throng the house, and it is soon discovered that the young man is before his marriage a considerable of a gay dog. His former sweethearts appear on the scene, and between them and a jealous husband, an emotional Frenchman, the plot is set in a dizzy time of it. It is not necessary to go farther into details except to say that the three acts are crowded full of mirth and that finally matters are straightened out by means of mutual explanations. The principal trouble-maker is a thick-headed German servant girl, Katrina, who, in spite of her good intentions, always does the wrong thing.

Verna Felton plays the maid, and is acrimoniously funny every moment she is on the stage. Irving Kennedy does one of the best assignments in the play, the jealous Frenchman, while Forrest Seabury has one of those breezy light comedy roles in which he excels and he gets all the laughs that he could possibly desire. Marie Thompson and Ella Holmgren make a fine impression as the two wives who are involved in the misunderstandings, and Mrs. Clara Allen makes a decidedly humorous mother-in-law. Marie Maybury, a new member of the company, gives a good account of herself as Berdie Neper, a fair but flirtatious belle, and Roper, Ivan, a young man who is a little Willie West, an unsophisticated youth.

Much interest attaches to the moving pictures showing "Monte Cristo," which are introduced between acts. "Our New Girl" is well worth seeing.

Greenie paints and professional's supplies at Woodruff, Clark & Co.
SEND SCENIC PHOTOS EAST.
See Klara's display, 748 Alder st.
Free candy with children's shoes at Rosenthal's, Seventh and Washington.
Spectacles \$1.00 at Metzgers.

COMBINES DEBIL- Furniture Trade Unrestrained, Says E. C. Oliver.

I. GEVURTZ ALSO TESTIFIES

Wholesale Dealer Declares to Com- mittee That Retail Firms Have Suffered From Cut Prices Since Trust Dissolved.

Testifying before a special committee of the Council yesterday morning, E. C. Oliver, manager of the P. S. Harmon Company, wholesale furniture dealers, swore that no combination of the trade to control prices exists at this time. He said that since the dissolution of the Northwest Furniture Exchange last Summer, when Federal indictments were returned, the members of the association, including guilty and paying fines of \$5 each, the business among retailers has been practically ruined by cuts in prices in many lines of goods. I. Gevurtz, owner of the retail furniture firm of I. Gevurtz & Sons, was on the witness stand for a few minutes only, and also swore that no agreement or combination of any kind now exists among the retailers. The investigation will be resumed at the next meeting, which is set for next Monday morning.

Dr. Rigler called attention to the fact that the fire drills, although required to be held every two weeks, had not been held regularly for some time. He suggested that the drills take place every week and that provision be made for finding every principal who failed to comply with the order of the board and to report the fact that the drill had been held to the City Superintendent, as is required under the school regulations. This order was immediately proposed in a motion and was carried unanimously, the amount of the fine being placed at \$5.

CITY IS NOT FAVORED

Is Compelled to Compete for Its Own Bonds.

The city cannot purchase its own improvement bonds unless it is the highest bidder, according to City Attorney Kavanaugh. When bids were opened for the sale of \$75,000 worth of improvement bonds yesterday afternoon, Treasurer Werlein was found to have in a bid for \$60,000 worth. There were numerous bidders, offering high premiums, while Mr. Werlein, for the city, offered only \$2000. Mr. Kavanaugh at once ruled that the municipality, if it desires to buy its own bonds, must compete with others. Therefore, Mr. Werlein's bid was not considered.

LIGHT BREAKS IN

Thoughtful Farmer Learns About Coffee.

Many people exist in a more or less lazy condition and it often takes years before they realize that coffee is the cause of the drowsiness and that there is a simple way to let the light break in.

A worthy farmer had such an experience and tells about it in a letter. He says: "For about forty years I have had indigestion and stomach trouble in various forms. During the last 25 years I would get more and get over one spell of bilious colic until another would be on me.

"The best doctors I could get and all the medicines I could buy, only gave me temporary relief.

"Change of climate was tried without result. I could not sleep nights, had nervousness and my heart would palpitate at times so that it seemed it would jump out of my body.

"I came to the conclusion that there was no relief for me and that I was about wound up, when I saw a Postum advertisement. I had always been a coffee drinker, and got an idea from the ad. that maybe coffee was the cause of my trouble.

"I began to drink Postum instead of coffee and in less than three weeks I felt like a new man. The rheumatism left me, and I have never had a spell of bilious colic since.

"My appetite is good, my digestion never was better and I can do more work than before for 10 years.

General debility may arise from a variety of causes but weakness is always present, a tendency to perspire and fatigue easily, ringing in the ears, sometimes black spots passing be- fore the eyes, weak back, vertigo, wakefulness caused by inability to stop thinking, and un- refreshing sleep. These conditions are simply a call for a blood tonic and builder.

Mrs. Lena May Brooks, Prairie Hall, Macon county, Ill., after several months of suffering finally found the right tonic in Dr. Williams' Pink Pills. She says: "I suffered terribly from a general breakdown in health, was in bed for three months and after that was able to be up only part of the time. I was sick all over, being pale, weak and thin. My appetite was gone, my head ached most of the time, and often I would faint away. "As the treatment I was taking did not help me, I began to take Dr. Williams' Pink Pills. After taking a few boxes, I began to get well rapidly. I am now as well and strong as ever in my life."

Dr. Williams' Pink Pills
per box, six boxes, \$5.00, at all druggists.
Dr. Williams Medicine Co., Schenectady, N. Y.

shortens the life of the bonds is declared to be a fact, and it is said that because of this it makes them less desirable investments. Furthermore, Mr. Werlein emphatically stated that the ways and means committee, the members of which have the sale of bonds in charge, that the policy now to be followed, if Mr. Kavanaugh's ruling holds, will cut down the premiums heretofore offered for improvement bonds.

"If the policy of the city is to be changed," declared Mr. Werlein, "you will find within a year that you will receive far less for your bonds than you do now. If the bidders know the city cannot purchase, and that the bonds will have to be sold to outsiders, they will not offer premiums anywhere near as good as now; I know what brought about the present good premiums, and I tell you now what to expect if the city is to be ruled out of bidding."

"I cannot make a ruling in direct conflict with the plain reading of the city charter," replied Mr. Kavanaugh. "It says the bonds shall be sold to the highest bidder. I do not see that it is fair to advertise for bids for improvement bonds and then for the city to turn around and buy these bonds itself at par, when others have bid higher."

In view of the ruling of Mr. Kavanaugh, the committee was obliged to dispose of the bonds to outside parties, and all brought good premiums. The Merchants National Bank bid for \$10,000 worth of the bonds at 25 per cent premium and the New York firm for \$10,000 worth at 4 per cent premium and was awarded that amount. Its bid was by wire and was on the presumption that the Rose City firm, at the last moment of fact they are about six years' life and bear 6 per cent interest. The committee discussed the advisability of selling to the New York firm for a long time, but at last thought wise to do so. The remainder of the issue went to A. H. Magley, \$2000 worth at 25 per cent premium, and Mrs. Dora Frazer, \$15,000 worth at 15 per cent.

There were many bidders for the bonds, the bids aggregating more than \$600,000. The regular purchasers of bonds have



No. 3 size Willow Clothes Baskets—special 70¢
No. 4 size Willow Clothes Baskets—special \$1.10
Mrs. Pott's Sad Irons, set of three nickel-plated Irons, with removable handle and stand—special, per set 95¢
5 ft. Extension Step Ladders—special \$1.50
7 ft. Extension Step Ladders—special \$1.65

SALE OF LAUNDRY SUP- PLIES TODAY IN THE BASEMENT DEPT.

"Our Leader" Washboards—special 25¢
"Pacific" Washboards—special 30¢
Glass Washboards—special 35¢
Table Ironing Boards, 3 ft. 6 in. size—special 35¢
Table Ironing Boards, 4 ft. 6 in. size—special 45¢
No. 2 size Willow Clothes Basket—special 65¢
Golding Wash Benches, indispensable in the laundry \$1.75
The "Snow White" Washing Machine. This is a particularly well-constructed machine—has a specially large tub—made from red cypress. Gearing is simple in construction, is strong and durable, and has roller bearings where required, thus reducing friction to a minimum, and will run forward or backward with perfect ease. Special price of this machine \$7.50

DRAPERY SPECIALS ENDING TOMORROW

36-inch Swiss Muslin, 18c and 20c values—per yard 10¢
32-inch and 36-inch Art Cretonnes and Taffetas, 40c values, per yard 25¢
72-inch plain Arabian Nets, 60c values—per yard 35¢
\$18 to \$22.50 values in Silk and Tapestry Portieres, pair \$10.00
50-inch Drapery and Upholstry Fabrics, in shades of red, green, brown and rose—\$1.50 and \$1.75 values—per yard 75¢
\$7.00 and \$10.00 values in 1 to 3-pair lots of fine imported Arabian, Brussels and Swiss novelty Lace Curtains, pair \$5.00

TULL & GIBBS

COMPLETE HOUSE FURNISHERS
SALE OF UPHOLSTERY FABRICS THIS WEEK
SALE OF ROOM-SIZE CARPET RUGS End'g Tomorrow

GIVES ROAD WHAT IT ASKS

Ordinance Granting Mount Hood Line Right to Cross Water-Pipe.

An ordinance, granting the Mount Hood Railway & Power Company the right to cross the Bull Run River pipe line at points in Multnomah and Clackamas Counties, was before the Council committee on judiciary yesterday afternoon and was recommended for passage at the regular session of the Council scheduled for tomorrow afternoon. This will give the company, if it passes, all the privileges it has sought, and will enable its promoters to immediately put in their line.

It is said that the provisions of the ordinance fully protect the city, and it is understood that the company will in no wise interfere with the Bull Run line, the source of the city's water supply. The grades are so made, it is said, that the road will not in any manner hamper the workmen on the pipe-line in their work from time to time. It had been feared by Mayor Lane and the members of the Water Board, that the company intended infringing on the water system.

C. W. Miller, general manager of the Mount Hood Railway & Power Company, has repeatedly declared that he could make no headway whatever with the Mayor and members of the Water Board, and he at last took up the case with the City Council, and it is believed they will pass the ordinance now recommended by the committee on judiciary.

Sues Policeman for Damages.

One thousand dollars is the price demanded of Griffith Roberts for arresting

Samuel Ellis without a warrant. Roberts, who is a policeman, took Ellis into custody at 11 o'clock on the night of February 8 for speeding an automobile. The arrest was made at First and Columbia streets, the chauffeur being compelled to remain at the City Jail since now Ellis has brought suit in the Circuit Court to recover damages.

Physicians Cure Skin With Simple Remedy.

Physicians everywhere continue their praise for ordinary ointment of water-glycerine in a wonderful specific for eczema and other itching skin diseases. This liquid, pure and clean as water, externally applied has instant effect. A few drops on the burning, itching sore causes instant relief, and a short continued use gives a complete cure.

Dr. C. B. Holmes of Silver City, Miss., is so enthusiastic about this remedy, D. D. D. Prescription—that he declares in a letter to the D. D. D. Company of Chicago that this great remedy is as near a specific for eczema as is known for mankind. "I have been using your D. D. D. for four years with gratifying results," writes Dr. Holmes.

There are thousands of other physicians who use D. D. D. Prescription, the oil of wintergreen specific. D. D. D. cures and it is so clean to use. If you did not know what D. D. D. will do you would not recommend it to our friends and patrons—Woodard, Clarke & Co., and Skidmore-Drugg Co.

Dr. D. D. D. for four years with gratifying results," writes Dr. Holmes.

LIEBIG Company's Extract of Beef

Solves this difficulty. Just a little in the child's milk supplies the want of meat and aids in the digestion of the milk.

RUPTURE

Of all varieties permanently cured in a few days without surgical operation or detention from business. No pay will be accepted until the patient is completely satisfied. Write or call on FIDELITY RUPTURE CURE 714 SWETLAND BLDG., PORTLAND, OREGON

UNION PAINLESS DENTISTS

221 1/2 Morrison St.

HAND SAPOLIO

FOR TOILET AND BATH
Fingers roughened by needlenwork catch every stain and look hopelessly dirty. Hand Sapolio removes not only the dirt, but also the loosened, injured cuticle, and restores the fingers to their natural beauty.

ALL GROCERS AND DRUGGISTS

A Skin of Beauty is a Joy Forever

DR. T. FELIX GOURAUD'S ORIENTAL CREAM OR MAGICAL BEAUTIFIER

Removes Tan, Freckles, Pimples, Moth Patches, Rash, and Sore Throat. It restores beauty, and does so in a few days. It is so harmless that it can be used by the most delicate. It is properly made. It is a skin of beauty. It is a skin of beauty. It is a skin of beauty.

A LENTEN WINE

Our California "Sauternes" is made to be served with fish. It is good any time, but best with the fish service. We guarantee "Sauternes" pure; it is bottled expressly for us at the vineyard. Quarts 50¢ Pints 25¢

CHEESE! CHEESE!

Forty-seven kinds of imported and domestic Cheese. We have your favorite brand, no matter where it's made.

WHERE PURITY IS PARAMOUNT

Everything in Fresh, Cured and Canned Fish for the Lenten Season

Our preparations for the Lenten Season have been so thorough and our variety of fish foods so great that one is led to wonder, when choosing, where the self-denial comes in. We give here a partial list, but do not attempt to itemize our enormous stock.

- PICKLED AND SALT FISH
 - Merinette Herring, 3 for 25¢
 - Bismarck Herring, 2 for 5¢
 - Salmon Belly, lb. 20¢
 - Norway Herring, 3 for 25¢
 - Milchener Herring, keg. 15¢
 - Milchener Herring, dozen. 50¢
 - Holland Herring, plain, doz. 40¢
 - Alaska Herring, dozen. 25¢
 - Mackerel, each, 20c, 25c, 30c, 60c
 - Anchovies, lb. 15¢
 - Codfish Bricks, lb. 25¢
 - Codfish Middles, lb. 15¢
 - Boneless Codfish, pkg. 20¢
- FRESH FISH
 - Columbia River Smelts, lb. 5¢
 - Chinook Salmon, 20c, 3 lbs. 50¢
 - Chicken Halibut, lb. 12¢
 - Chicken Halibut, 3 lbs. 30¢
 - Croppies, lb. 15¢
 - Catfish, lb. 15¢
 - Oregon Black Bass, lb. 35¢
 - Flounders, lb. 10¢
 - Silver Perch, lb. 12¢
 - Spanish Mackerel, lb. 15¢
 - White Sturgeon, lb. 20¢
 - Fillet of Sole, lb. 25¢
- SHELLFISH
 - Hardshell Clams, lb. 5¢
 - Toke Point Oysters on half-shell to order, dozen. 40¢
 - Olympia Oysters on half-shell, each. 1c
 - Olympias by the pint. 35¢
 - Dresser's Crawfish, cooked in wine, dozen. 40¢
- SMOKED FISH
 - Smoked Salmon, lb. 30¢
 - Kipperd Salmon, lb. 20¢
 - Kipperd Herring, dozen. 50¢
 - Bayle's Boneless Herring, lb. 30¢
 - Cromarty Bloaters, dozen. 50¢
 - Finnan Haddies, lb. 20¢
 - Smoked Halibut, lb. 20¢
- SHELLFISH
 - Our Oysters are opened fresh daily. We guarantee you the best money will buy; quality is our first and constant consideration. Large Crabs, each 20¢
 - Small Crabs, each 15¢
 - Razor Clams, dozen. 15¢

DRESSER'S

We Will Fill Your Mail Order in Any Part of Oregon or Washington. Write Us About This

FIFTH AND STARK

RELIABLE DENTISTRY

Nervous People can now have their teeth extracted without any pain whatever.

TEETH WITHOUT PAIN

22-k Crowns \$5.00
Bridge Work \$3.00
Fillings \$1.00
Best Rubber Plate \$5.00

UNION PAINLESS DENTISTS

221 1/2 Morrison St.

HAND SAPOLIO

FOR TOILET AND BATH
Fingers roughened by needlenwork catch every stain and look hopelessly dirty. Hand Sapolio removes not only the dirt, but also the loosened, injured cuticle, and restores the fingers to their natural beauty.

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A LENTEN WINE

Our California "Sauternes" is made to be served with fish. It is good any time, but best with the fish service. We guarantee "Sauternes" pure; it is bottled expressly for us at the vineyard. Quarts 50¢ Pints 25¢

CHEESE! CHEESE!

Forty-seven kinds of imported and domestic Cheese. We have your favorite brand, no matter where it's made.

RUPTURE

Of all varieties permanently cured in a few days without surgical operation or detention from business. No pay will be accepted until the patient is completely satisfied. Write or call on FIDELITY RUPTURE CURE 714 SWETLAND BLDG., PORTLAND, OREGON

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Forty-seven kinds of imported and domestic Cheese. We have your favorite brand, no matter where it's made.

RUPTURE

Of all varieties permanently cured in a few days without surgical operation or detention from business. No pay will be accepted until the patient is completely satisfied. Write or call on FIDELITY RUPTURE CURE 714 SWETLAND BLDG., PORTLAND, OREGON

UNION PAINLESS DENTISTS

221 1/2 Morrison St.

HAND SAPOLIO

FOR TOILET AND BATH
Fingers roughened by needlenwork catch every stain and look hopelessly dirty. Hand Sapolio removes not only the dirt, but also the loosened, injured cuticle, and restores the fingers to their natural beauty.

ALL GROCERS AND DRUGGISTS

A Skin of Beauty is a Joy Forever

DR. T. FELIX GOURAUD'S ORIENTAL CREAM OR MAGICAL BEAUTIFIER

Removes Tan, Freckles, Pimples, Moth Patches, Rash, and Sore Throat. It restores beauty, and does so in a few days. It is so harmless that it can be used by the most delicate. It is properly made. It is a skin of beauty. It is a skin of beauty. It is a skin of beauty.

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