COURT WILL PASS ON CITY LIGHTING

Power Company Will Supply Current Pending Decision on Injunction Suit.

SERVICE MAY END TONIGHT

If Judge Gantenbein Rules Against Municipality, After Arguments This Afternoon, Arc Lamps Will Not Be Turned On.

Whether or not there will be lights whether or not there will be lights on the streets of Portland tonight depends upon the decision of Presiding Judge Gantenbein, of the State Circuit Court, who will hear arguments on behalf of the city and the lighting company at 2-o'clock this afternoon. The controversy has gone into court on the application of City Attorney Kavanaugh for an injunction, restraining the company from turning off the lights. President Josselyn announced last night that he will not order the circuits cut out until the hearing on

the injunction prayer.

If the injunction is not issued, darkness will prevail tonight, and people will be in imminent danger of death or injury by thugs. This is the situation which follows the positive refusal of Mayor Lane and his Executive Board. of seven members to follow the advice of the City Attorney and negotiate to

"Pending the decision of the court, "Fending the decision of the court, we shall not cut out the public lighting circults," said President Josselyn last night. "No snap judgment will be taken by the company; we are certain, however, that there is no cause for an injunction, as there is no state of martial law, a condition, as I unfor an injunction, as there is no state
of martial law, a condition, as I understand it from our legal ndviser,
which must prevail before such a writ
could issue. But, that there may be
no appearance of unfairness, we shall
await the outcome of the arguments
to be held during the afternoon."

Gives Time for Injunction.

It would be possible, it is said, for the company to have proceeded at daylight this morning to cut out the public lighting circuits and get ahead of the injunction proceedings. An injunction being negative, the application on the part of the city would have failed, had the company seen fit to take advantage of this fact. Early yesterday afternoon, Chief of Police Gritamacher and Fire Chief Campbell received word from President Josselyn that there will be no lights tonight, and both prepared for the amergency. Both Chiefs say their departments will not be handicapped very much, except that Chief Gritamacher said if the darkness should continue long, there might be an influx of crime. Chief Campbell said he can handle almost any kind of a fire about equally well without the street lamps burning.

There is a strong rumor that the underwriters may take a hand if the lights are turned off; it is said that higher rates may be demanded for insurance, in such instance. It would be possible, it is said,

surance, in such instance.

Case Introduced in Court.

The temporary injunction, restraining the power company from shutting off the lights, was applied for by Mr. Kavanaugh yesterday afternoon. Judge Gantenbein declined to issue the injunction until the corporation has an opportunity to make a showing. Arguments in the case will therefore the afternoon.

opportunity to make a showing. Arguments in the case will therefore beard at 2 o'clock this afternoon.

In the complaint against the corporation, signed by the City Attorney and Deputies Grant and Tomlinson, Mr. Kavanaugh states that he has tendered to the corporation officials the cash to pay for one month's power, that of January. This was at the rate of self-so a year for arc lamps, and 16 self-so a year for arc lamps, and 16 sense a month for incandescents. But he says, the company arbitrarily refused to furnish the lights. If the power is turned off he says it will work irreparable injury upon the person and property of the inhabitants of the city.

The complaint shows that the corporation holds five franchises for lighting the city, two for maintaining power plants, and three for maintain-

poration holds five franchises for light-ing the city, two for maintaining power plants, and three for maintain-ing poles and wires. They are as fol-

Ordinance No. 167, issued to the Al-bina Light & Water Company, March 5, 1890, by the City of Albina, poles

5, 1890, by the City of Albana, pend wires;
Ordinance No. 595, issued to H. A.
Hogne, C. P. Hogue, and D. H. Jones,
on June 29, 1887, by the City of East
Portland, plant;
Ordinance No. 934, issued to George
W. Brown, on June 25, 1891, by the
City of East Portland, plant;
Ordinance No. 8528, issued September

S. 1882; poles and wires; Ordinance No. 4932, insued to P. F. Morey, October 7, 1886, by the City of Portland, poles and wires.

DEMAND HEATERS IN CARS

Mount Scott Residents Appeal to State Railroad Commission.

Cars without heaters are now being operated on the Mount Scott line and in consequence there is much complaint. Last night a petition prepared by O. N. Ford and signed by about 50 business men along the line was forwarded to the State Railroad Commission. It sets forth that the suffering of the people compelled to use the Mount Scott cars at the present time is very great. Mr. Ford said that some of the cars on the Mount Scott line were heated, but that the company took these off that run far the reason they were overcrowded. "It is a very great hardship on young girls." said Mr. Ford, "to stand in one of the Mount Scott cars for over haif an hour going to Portland or returning home during the present cold weather. There are waits along the line. We understand that the Railroad Commission did order the company to use heaters. Cars without heaters are now being did order the company to use heaters on cars, but this has not been done. We are urging the Commission to act at ouce and give us relief as adon as possible."

Tribute to Sylvester Farrell.

PORTLAND, Jan. 12.—(To the Editor.)—
The lives well spent, the good names well search, are not too numerous to be overlooked. The passing over of Sylvester Farrell deserves public recognition. Commentating his business life in this city 40 years ago in a little, old, ramshackle shod of a warehouse on the river's bothic, near the foot of Manison street, with nothing but willing hands and honest hearts, he and his still remaining partner, built up a produable and enduring husiness which denied the storms of adversity, brought them an ample fortune and placed their names at the top of the list of honess, successful and absolutely treatworthy muchants. No man ever trusted the word of Sylvester Farrell and was disappointed. His nord was as good as his bond and passed purrent for ready cash. Not city in private His, but sunly so in all his business transactions.

Circuit Court yesterdon after he had heard the testimony in the case brought by Elda A. Pickel-Messick against Elsworth Pickel, her former husband.

ON SALE TODAY.

Children's \$3.50 Long School Coats \$1.75, ages 4 to 10—Black Moire Petticoats, \$1.75 values, \$70—Women's \$1.50 Wool Underwear, \$70—Women's \$1.50 Wool Underwear, \$70—Women's \$1.50 Wool Underwear, \$70—Women's \$1.50 Wool Underwear, \$70—Women's \$1.50 Wool The coats and passed purrent for pready cash. Not city in private His, but sunly so in all his business transactions.

he was a just man and leved mercy. Many is the man whose account has been carried by his firm through the stress of hard times and until the clouds had rolled by, bringing relief. Whether he was a member of any church, I know not, but in all his intercourse with his fellow-man, he manifested the vital principal of Christianity and never forgot the Golden Ruie.

As a citizen, Mr. Farrell was a model remote useful service, he most efficiently served his city and state in many positions, and without self-seeking in any form. Public self-seeking in any form. Public self-seeking in any form. Public self-seeking in any form. remder useful service, he most emissions served his city and state in many positions, and without self-seeking in any form. Public spirited to the extent of his ability, he rendered valuable sid in developing the rendered valuable sid in developing the resources of the state and building up this city. He was one of the directors of the Company that proposed and constructed the Dayton. Sheridan and Dallas Railroad, which was the foundation of the second railroad system of the Williamstet Valley, and rendered great and effective support to that enterprise. He also gave great aid to the railroad development of the impler resources of the Columbia River region. And taking the man in all, his relations to his follow-citizens, his city and his state, he is among all the hundred thousand citizen veters of the state most worthity to be ranked the "one in a thousand." Good friend, true man, hall and farewell.

JOSEPH GASTON.

ATWOOD CASE IS ON TRIAL

MATERNITY HOSPITAL IS AL-LEGED TO BE NUISANCE.

Witness Testifies That Criminal Operation Was Performed There. Mrs. Finch Gives Testimony.

Drs. C. H. and C. H. T. Atwood, charged by the grand jury with maintaining a public nuisance in the form of the Atwood Maternity Hospital at Tremont Station, on the Mount Scott carline, are on trial before a jury in Judge Cleland's department of the Circuit Court. Mahala Robrts was the first witness called yesterday afternoon by the state. She said the attwoods performed a criminal operation last September, after she had been examined by Dr. J. D. Sternberg. She was afterward taken to St. Vincent's Hospital, and there treated by Dr. Sternberg and Dr. Coffee. ind Dr. Coffey.

Dr. Sternberg said that the woman's ife was in danger after she left the At-wood Hospital. Attorneys for the defense empted to show that Mrs. Roberts was because she partook of food intended

r another patient. Weak and hesitating, Mrs. May Petty-Finch, wife of James A. Finch, who is inder the death watch, having been sentenned to hang February 5 for shooting Attorney Ralph B. Fisher, took the witness stand. She said Dr. C. H. T. Atwood s the proprietor of the hospital. Asked where she resides, Mrs. Finch replied: 'I have no heme at present. I am still lying at the hospital." She was formerly

She was then asked to identify the handwriting on seven letters which were handed her. She said it was that of Dr. Atwood, senior. These letters have not

son for Stock in Land Company.

Whether or not a receiver will be appointed to take charge of the affairs of the Overlook Land Company, is condi-tional upon the payment, by E. Henry Wemme, president of the concern, to A. F. Swensson of \$5,000, less Swensson's F. Swensson of \$35,000, less Swensson's collections for land sold. This was the decision announced by Presiding Judge

Without the formality of securing a divorce ha married Myrtle Kelso, of Boston. Leon Harlow Dame, his young son, was found to be a dependent child, and sent to the Boys' and Birls' Ald Society July 20, 1906. Mrs. Pygall recently obtained a divorce in the Circuit Court.

Mrs. Campbell Charges Desertion. Florence Campbell has filed a divorce suit against Sinery Campbell, charging him with having deserted her four months after their wedding. They were married September 18, 1996. She asks to resume her maiden name, Florence

Sues on Former Judgment.

Henry Bronner has filed suit against Sidney Gunpertz, in the Circuit Court, to recover \$1570. He alleges that he obtained judgment against Gunpertz in the New York State Supreme Court, but that the judgment was never paid.

Mason Estate Realty Sold.

Judge Webster issued an order yes-terday permitting William D. Fenton, executor of Hannah Mason's estate, to sell half of block 3. Mendon Park, to W. H. Herdman for \$6000. The estate is valued at \$44,047.

Court Notes.

Dave Tomlin, 17 years old, was sent to the Reform School by Judge Gantenbein, of the Juvenile Gourt, yesterday after-

Five boys and two girls who have been snowballing streetcars, at East First street and Holladay avenue, were warned by Judge Gantenbein in the Juvenile Court yesterday afternoon, and dis-charged. The seven are: C. Z. Hastings, Whitney Hastings, Donald Stewart, Harold Sundt, George Philip, Rose Philip

and Florence Knapp.

L. Willie Pickel, 8 years old, will remain in the care of his father. This was the decision of Judge Bronaugh in the Circuit Court yesterday afternoon after he had heard the testimony in the case

Save money at Rosenthal's shoe sale .. plain to people that the drug, caffeine, in

Snow Falling in Southern Oregon With Warmer Weather Overhead.

COLDEST DAY IN 35 YEARS

Woodland, in Clark County, The Dalles and Albany Report Record Temperatures - Astoria Sees Chinook Current High Up.

MINIMUM TEMPERATURES IN NORTHWEST YESTERDAY.

Portland 5.6 McMinnville -13 The Dallas -19 Afbany -3 Pendleton -20 Grants Pass 18 Spokane -5 Astoria 15 Forest Grve.-11 Woodland -6 At 2 A. M. (today) the thermometer at The Oregonian office registered 6 above and light snow was falling.

With previous cold weather records broken Monday night in many parts of the Pacific Northwest evidence that the Weather Man is about to make good in his prediction of milder weather comes from Hillsboro and Asteria, where a fleeting glimpse was obtained now and then yesterday of the thrice welcome

Snow was reported falling in Southern Oregon last night, and at Salem the mer-cury was steadily climbing up. In Port-land yesterday a minimum of 5.8 was reached at 5:45 A. M. Later in the day the temperature rose to 15 at 4 P. M. but began falling again toward midnight The Dalles reported 19 below zero yes terday; Albany, 3 below, the coldest since 1875. Woodland, Wash., reported 5 be-low, the coldest since 1874. With 13 be-low yesterday at McMinnville, the oldest inhabitant can't recall a previous record

equal to it. Sherman County farmers are rejoicing because two feet of anow means an abundance of molature for the Winter wheat. Stock farmers have plenty of feed and the weather is not worrying

TACOMA HAS TWO FEET SNOW

Train Service Improves and Delayed Passengers Rejolce.

TACOMA, Wash., Jan. 12.—(Special.)—With a triffe more than two feet of snow on the ground, the weather man still predicts further flurries tonight and tomorrow. Warmth from the inside caused anow to melt on the roofs of many large buildings and huge icicles formed, which endanger pedestrians.

There is an improvement in the train

endanger pedestrians.

There is an improvement in the train service today and delayed passengers from the East are getting to their journey's end after being tied up from one

RIVER FROZEN AT KALAMA

Merchants Short of Feed and Stock Is Likely to Suffer.

KALAMA, Wash., Jan. 12.-(Special.)-This morning was the coldest known here for many years. The mercury dropped to 2 below zero. The Columbia River is frozen clear across today ice is three-fourths of an inch thick in the strongest current, a sight witnessed only once before by the oldest inhabitant.

of Cowlitz County.
Schools here are all closed. The mer-chants are out of feed and unless some can be shipped in there is grave danger of suffering among the stock.

GOOD CROPS ARE PREDICTED

Heavy Snow in Sherman County

Causes Farmers to Smile. MORO, Or., Jan. 11 .- (Special.) -- Sherman County has been experiencing for the last ten days Winter weather that the old-est settler says he only saw the like of but once before. The snow fall averages

lapsed, one at Grass Valley and one at Moro. Other warehouses are liable to collapse if more show comes.

ASTORIA SEES SOUTH WIND

Rift in Clouds Indicates Chinook Is Blowing Overhead.

ASTORIA. Or., Jan. 12.—(Special.)—To-day was the coldest of the season by several degrees. This morning the ther-mometer at the Weather Bureau registered 15 degrees above zero, 3 degrees lower than yesterday, and at points in the higher sections of the city the mercury dropped to 12% this morning. During the day the thermometer rose to 25 degrees, but later it fell and at 5 o'clock tonight registered 21 above.

The cold east wind still continues, al-

The cold east wind still continues, although it is not strong, but the only indication of an early break in the cold snap is that the clouds show the upper currents of air are from the southwest. Nearly all the towns on the north side of the Columbia are shut off from communication, as the river is so full of floating ice it is dangerous for unsheathed boats to make the run across.

INLAND EMPIRE IS WARMER

Idaho Cattlemen Fear for Herds

Ranging on Snow-Covered Hills. SPOKANE, Wash., Jan. 12.-(Sepcial.) SPOKANE, Wash, Jan. 12.—(Septial)

—Spokane weather is moderating and
the mercury is rising in other portions
of the Inland Empire. The Government
thermometer here today registered a
maximum of 3 degrees above and a minimum of 5 below zero.

Stock in Eastern Washington is well
cared for, so far as reported, but in
some localities in Idaho, where heavy
snowfall on the prairies is rare, cattle-

snowfall on the prairies is rare, cattle-men fear for their herds. Little feed had been stored, it being the custom to spel cattle to forage during the Win

Business is mending in the towns, the people having become accustomed to the chill atmosphere and are stirring about,

COLDEST SINCE FEB. 12, 1884

The Dalles Sees 19 Below Zero, With with plenty of feed. Mercury 8 Below at Noon.

THE DALLES, Or., Jan. 12 .- (Spe cia.)—The mercury dropped to 19 below last night, the coldest since February 12, 1884. Forecaster Brooks says that at no time has The Dalles experienced a colder noon hour than today, 8 below. At Wards, near Rice Station, it was 28 below. Other nearby towns re-port as follows: Dufur, 24 below; Ramey, 23 below; and Boyd, 28 below. General Manager J. G. Heimrich, of the Great Southern, says trains have been running regularly on his road, notwithstanding the report to the con-

COLDEST SINCE YEAR 1875

Albany Sees Mercury Drop to Three

Below-Snow Is Falling. ALBANY, Or., Jan. 12—(Special.)—Al-bany experienced the coldest weather it has seen since 1875 at I o'clock this morn-ing, when the Government thermometer Ing, when the Government thermometer here reached three degrees blow zero. To-day was one of the rawest days the Willamette Valley exer experienced, the maximum temperature being 12 abova.

A light snow fell between 5 and 6 o'clock tonight and the weather gives indications of moderating somewhat. The unprecedented hard freeze of Monday night was repeated last night.

days. For the last 24 hours the maximum and minimum temperatures have been 16 and 6, as compared with 18 and 8 of yesterday. A light snow began falling at 5 this afternoon.

Record Cold at Forest Grove.

PACIFIC UNIVERSITY, Forest Grove, Or., Jan. 12.—(Special.)—A temperature of 11 degrees below zero was registered by the thermometers of the Government Weather Station last night. This is the lowest temperature recorded at the Weather Bureau since its establishment.

Feed Cost Him \$250 Day.

Hard to

COFFEE knocked Dorando out twice,

once in London at the Marathon race and

again in New York. Read the Doctor's

BAD SHAPE AFTER

By Dr. Jos. Creamer.

track. His heart was in bad shape

and he was in a state of total col-

lapse. In my opinion, the condition

of his heart was due partly to over-

stimulation. His handlers gave him

stuff from a bottle which they said was coffee. Even coffee taken in

such quantities would be likely to

affect his stomach and cause his

collapse. There wasn't a bruise on him to show that the fall did any

It has been a part of our mission to ex-

damage."

"I examined Dorando immediately after he was carried from the

RACE, SAYS DOCTOR

From the New York World, Dec. 16, 1908.

DORANDO'S HEART IN

report:

and Moro.

If deg. below zero. No suffering is reported among the large bands of sheep that are being Wintered in this vicinity. The stockmen are all well provided with feed, and stockmen and farmers are all well provided with feed, and stockmen and farmers are all well pleased with the heavy snowfall. J. N. Burgess, manager of the Cunningham Sheep & Land Company reports feeding the conditions of the Cunningham Sheep & Land Company reports feeding the conditions of the condit

ASTORIA, Jan. 12.—(Special.)—Two rafts of logs belonging to the Hammond Lumber Company were broken loose from their moorings at Oak Point by the ice Saturday and drifted down the river. Saturday and drifted down the river.
One of the rafts was picked up yesterday by C. C. Cross and made fast at
Cathlamet, while the other was picked
up by the steamer Lottle and moored at
Brookfield. About 50 logs had been torn
loose from the latter raft by a tramp
steamer colliding with it, but they will
probably be recovered as soon as the robably be recovered as soon as the floating foe clears from the river.

Warmer at Pendleton.

PENDLETON, Or., Jan. 12 .- (Special.) -Though the past 24 hours have been among the most severe of any ex-perienced here during the present cold snap, the weather took another sudden turn tonight and is much warmer. Snow is also failing. The mercury went down to 20 below zero last night, and falled to get closer than 5 below today but it is now going up.

Oldest Inhabitant Forgets.

M'MINNVILLE, Or., Jan. 12.-(Special.) The temperature last night went down to 18 below and the memory of the oldest inhabitant is powerless to recall any record for cold equaling this. Ten above was the maximum at midday. The Yamhill River is frozen two-thirds of the distance across, notwithstanding the swift current at this point.

Towns Are Isolated.

ASTORIA, Jan. 12 - (Special.) - Chinook, McGowans, Ilwaco and all north beach points are today cut off from the outside world, as no boats are able to run across the river in that direction, and the railroad from Nahcotta to Megler is obstructed by the snow. Until the weath-er conditions change these points will be without communication,

Plenty of Feed for Stock.

UNION Or Jan 12 - (Special)-The coldest weather for over 20 years is being experienced here and water pipes are frozen and plumbers are working overtime. Heavy snow covers the valley and adjacent hills. Stock is thriving

Getting Warm at Salem.

SALEM, Or., Jan. 11 .- (Special.)-Suddenly rising temperature started about 5 o'clock this afternoon, the mercury going from 13 degrees above at 5 o'clock to 18 degrees at 9 o'clock. continues to rise. Snow is falling.

Record Cold at Cottage Grove.

COTTAGE GROVE, Or., Jan. 12 - (Speclai.)—This morning the temperature reg-stered 8 degrees above zero, the coldest, loubtless, it has ever been here. Tonight it is slightly warmer and snow is falling. Nearly all water pipes are broken or

Freezing at Roseburg.

ROSEBURG, Or., Jan. 12 -- (Special.)-Snow is failing in Roseburg tonight, and from all indications the storm which has been sweeping the Coast has struck Roseburg in earnest. Today's tempera-ture ranged from 30 to 32.

Skating at Astoria.

ASTORIA, Jan. 12.-(Special.)-Smith's Lake, near Warrenton, is now frozen over for the first time in several years and today a number of Astorians went down to enjoy the skating.

Snowing at Grants Pass.

GRANTS PASS, Or., Jan. 12 .-EUGENE, Or., Jan. 12.—(Special.)—Severe weather, with the thermometer hovering between 18 and 22 above zero during the night.

Tonight a fire soft snow is fall.

More Snow in Klickitat.

GOLDENDALE, Wash., Jan. 12.—(Special.) — Last night the thermometer dropped to 21 deg. below zero. The lowest in 2) years. Snow is falling today.

Drain Slightly Warmer.

DRAIN, Or., Jan. 12 .- (Special.) -The thermometer rose from eight above to 15 above last night. A cold North wind is blowing.

Chickens Frozen at Clatskanie.

Learn

caps-and coffee is one.

tirely well.

coffee seriously affects the stomach, heart

and nerves of some people (a good many).

things and win in the race for any kind of

supremacy you better trim off the handi-

If you want health and the power to do

It is joy of the keenest sort to be en-

Quit coffee 10 days and use well-made

POSTUM, which goes straightaway to

work rebuilding broken-down nerve cen-

"There's a Reason"

You can prove it in your own case.

Made at the Pure Food Factories of the

Postum Cereal Co., Ltd., Battle Creek, Mich.

CLATSKANIE, Or., Jan. 12-(Special.)but once before. The snow fall averages but once before. The snow fall averages betwo and a half feet over the county, with

"CHEAP" PRESCRIPTIONS

Cheap prescriptions are sometimes advertised and yet it is just as difficult for a layman to know whether the prescription he receives is cheap or expensive, as it would be if he were purchasing a telescope, for the cheapest prescription in the world as to price may be the most expensive in its final result.

All things being equal, a store filling the greatest number of prescriptions can best afford to maintain the lowest schedule of prices. It costs us less to fill a prescription today than it did 40 years ago, because our business is large enough to absorb the undivided time and attention of a skilled force of men and to rapidly "turn over" the various drugs and preparations used in dispensing. We believe we have an advantage over most stores in the fact that our dispensers are qualified, experienced, registered men, devoting their whole time to this responsible work. They are never interrupted while weighing out some powerful drug to wait upon a customer for postage stamps or while writing directions to furnish an impatient patron with a porous plaster, but attending strictly to their specific duties, reduce thereby the opportunity for errors and confusion

We have filled prescriptions for near half a century in Portland and every device, every convenience, every improvement which will simplify and expedite with safety this work we have adopted. It is not strange, therefore, that ours is today the largest retail drugstore on the Coast and equals in the volume of its prescription work any in the land.

WOODARD, CLARKE & CO. Established 1865

weather experienced in the memory of trains on the Northern Pacific are run-the oldest inhabitant. Many chickens and wild birds were found frozen to Transportation Company, running steamand wild birds were found frozen to

Five Below at Woodland.

WOODLAND, Wash, Jan. 11 - (Special.)—The mercury this morning went to 5 below zero. This is the coldest that can be remembered by old residents since about 1876, when the Lewis and Colum- Loren Hunt, who took his rivers were both frozen solld. All The wound proved fatal.

s from here to Portland, has suspended

Shot for Deer.

COTTAGE GROVE, Or., Jan. 12 .- (Special.)—While hunting near here yesterday George Kerr was accidentally shot by Loren Hunt, who took him for a deer.

All the Biggest Buildings

The Corbett Building

The Couch Building

The Gerlinger Building

The Board of Trade Building

And all the biggest and best residences are heated to perfection by "Perfect" Furnaces or "McPherson" Heating Plants. This kind of a day tests a heating plant. We're glad to say our plants are all giving perfect satisfaction.

THE W. G. McPHERSON CO.

328 GLISAN STREET

J. J. CROFUT & CO.

Office: Dock Foot of Davis Street.

Importers of

Beaver Hill and Wellington

We will not allow the price of Coal to be raised during the cold spell. We have 400 tons of Beaver Hill and Wellington Coal on board the steamer Breakwater, at Front and Davis streets, which we will sell at regular prices. Phone, call, or send expressman for any amount of Coal you want.

Phone: Main 2625,

A 1576.