

CITY TO SUE TO GET NEW STREETS

Portland and D. E. Keasey, Plaintiffs, Against Cardinell Park Owners.

\$500,000 IS INVOLVED

Heights Property Vacated Under Agreement Made in 1907.

Chance Declines to Sign New Plat—Complaint Ready.

Property valued at \$500,000 is involved in a suit which will be filed today by Attorney H. K. Sargeant for the City of Portland and D. E. Keasey, plaintiffs, against Arthur W. Chance, W. F. G. Thatcher, Alfred S. Johnson, D. C. Henry and the Cardinell heirs and estate.

The object of the litigation is to compel the defendants to sign a plat dedicating Cardinell Park. That plat was opened through that site. The land in question is situated on Portland Heights, south of the Portland Academy and between Tenth, Sixteenth, College and Spring streets.

In October, 1907, this locality was vacated by an ordinance passed by the City Council under an agreement that a plat attached to the petition, placing new streets through the addition, would be presented by the defendants, with the majority of these property-owners, who signed the petition for vacation, appear with Mr. Keasey as plaintiffs in the suit and have signed a petition to dedicate certain streets in the territory to the city, but the defendants have not signed the document. Attorney Sargeant appears as counsel for Mr. Keasey and is working in conjunction with City Attorney Kavanaugh in the suit.

Suit Semi-Friendly.

The suit is a friendly one as far as the majority of the defendants are concerned, but not so as regards Arthur W. Chance. It is held by the plaintiffs that in August, 1907, the defendants, with the plaintiffs, asked for the vacation of one and a half miles of streets in this territory, all lying to the east of the city.

The petition was granted, with an agreement that the petitioners were to file a new plat. A copy of the proposed plat was then filed with the City Auditor and made a part of the record.

The basis for the vacation, the largest street vacation ever made in Portland, was that the streets had originally been platted at right angles and that on account of the nature of the ground, a hillside, the streets could not be made practicable for thoroughfare. The amended plat, filed with the petition, provided that the streets followed the contour of the hills, eliminating the sharp grades.

Mr. Arthur W. Chance owns an entire block in the addition. It is contended by the plaintiffs that Chance secured the vacated streets adjoining and abutting on his property, according to the provisions of the city charter, and that he refused to sign the new plat, dedicating certain streets to the city. One of the streets crosses Mr. Chance's property, taking from him about 1500 square feet of land. The vacation added 17,700 square feet to the Chance site, but this is held to be of no consequence, as the owner had signed the petition for vacation, submitting the amended plat with it.

The city charter provision concerning street vacations reads: There shall be appended to the petition as a part thereof and as a basis for the granting of the prayer of said petition, the consent of the owners in fee simple.

Charter Complied With.

This was done, and it is held that the defendants signed the consent. These were made a part of the petition, part of which reads: It is contended by our petitioners in seeking the vacation of the above-described lots and blocks and portions of streets in the instant case, that they have given a new and amended plat of this portion of the said City of Portland—a copy of which proposed amended plat, together with a copy of the existing plat of said portion of the city, is appended hereto and made a part hereof.

The Council granted the vacation on October 23, 1907.

Mr. Chance bases his refusal to sign the amended plat, and his refusal to sign the ground that the Council passed the street vacation without any reservation being made. Due to his refusal to sign the case will be brought into court for decision.

Mr. Thatcher is made a party to the suit on account of having purchased some of the disputed territory from the Cardinell heirs. Mr. Johnson sold some of his property to Mr. Henry, hence both are made defendants.

The Cardinell heirs are included in the suit on account of their non-presence in Portland and because they are unacquainted with the facts.

Mr. Keasey, who is acting for 25 or 30 other property owners in Cardinell Park, is the principal property owner in the territory involved, holding over half the land.

ZELAYA BLAMES MR. KNOX

(Continued From First Page.)

The principle obstacle up to this time has been the selfish attitude of persons in power, animated by private interests. He favors a central government for the new republic, rather than a strong federal government, explaining that under a central government the various states would preserve their identity, having officers to transact such general business as might concern the whole of Central America, and leaving each of the present republics more or less independent and handling its interior affairs.

Zelaya declared that on December 30, 1909, he had wired Washington of his willingness to retire from the Presidency and from politics altogether if a confederation of the five Central American States could be brought about.

Future Hard to Prophecy.

"The immediate outlook in Central America," said Zelaya, "is difficult to prophecy. The struggle between the present government and the forces of Cabrera probably will reach a climax in a short time, but so many factors enter into the result that it would be a very wise man, indeed, who could discuss the future. Estrada Cabrera is the only genius of our people for we are all Central American Democrats as possible. Plans for the banquet are in charge of P. C. Leonard, E. C. Million, George Murphy, James Gephart and Averil Deavers.

EX-STATE TREASURER DEAD

Edward Hirsch Passes Away at His Home in Salem.

As he stepped from a Pullman, several persons in the crowd shouted: "Viva Zelaya, viva Mexico!"

A Mexican timidly cried: "Down with the Yankees," and was hissed.

Zelaya was met 50 miles from the capital by Francisco Castro, Nicaraguan Minister to Mexico and a close friend of the dictator. From the railway station he was conveyed in a coach to the Palace Hotel, where five rooms had been engaged for himself and party.

As yet, no arrangements have been made for Zelaya to meet President Diaz in conference, although it is believed he will call on the chief executive of Mexico on Friday night. The latter for his kindness in permitting Zelaya to convey to Mexico on the gunboat General Guerrero.

Further Power Not Sought.

Zelaya said he would not make any attempt to regain power in his country, but might return if he were asked to by his government when peace is restored. He says he now desires to remain permanently out of politics and live the rest of his days in peace and quiet.

That he is titular President of Nicaragua to this day is the declaration he made tonight in his hotel. He asserts he has two more years to serve, but will not be actively at the head of his government, but as a private citizen, and as such is being received.

That Zelaya is at liberty to return to Nicaragua when he pleases was the information given out at the foreign office today. Sub-Secretary of Foreign Affairs Garcia declared that Zelaya was only tacitly agreed that Zelaya was to remain out of Nicaragua, but that, as far as Mexico was concerned, no attempt would be made to control his movements.

Mr. Gamboa said, however, it could not be imagined that Zelaya would wish to return to Nicaragua, at least for an indefinite time.

Executions Are Defended.

Zelaya said tonight that he never signed an order for the execution of Cannon and Groce and he refused to interfere with carrying out the sentence of the court.

"These men were contracted for in Guatemala to assist the revolutionists," he said. "I cannot only recently had been given liberty in Honduras upon his promise to leave Central America forever."

The men were engaged at the time of their capture in charting the country for the revolutionists. It was the destruction of troops of the government. They also acted as spies. They were tried by court-martial, according to law, and found guilty. The stories of torture are absurd.

COUNTY EXPENSE LEAPS

COST OF KEEPING MULTNOMAH JUMPS \$58,323.

District Attorney's Office Shows Advance of 41.13 Per Cent in Five Years.

During 1909 the District Attorney's office has cost Multnomah County taxpayers \$234.55. Startling as it may seem this is an advance of 41.13 per cent in the last five years, the cost in 1904 having been just \$173.25. In 1908 the expense was \$227.11, but the District Attorney at that time exercised grand jury powers as well as his other functions.

The expense of maintaining other county offices has also greatly increased in the last five years. Portland's population having grown from 99,000 in 1904 to 240,000 in 1909, according to estimates.

The cost of maintaining the County Assessor's office leaped 291 per cent in five years, the cost of the Sheriff's office 49 per cent, that of the department of the Sheriff's office 49 per cent, and the cost of maintaining the County Clerk's office 43 per cent. In 1903 it cost the county \$117.06, last year it was \$170.41.

The county's total expenditure during 1909 was \$58,323 in excess of the amount spent in 1904. This year it was \$70,070.41.

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RESIGNATION SIGNED

Dr. Brougher Would Accept Call to Los Angeles.

CONGREGATION WILL ACT

Movement to Vote Non-Acceptance Will Give Way If Pastor Insists. Action Is to Be Taken on Friday Evening.

Dr. J. Whitcomb Brougher, pastor of the White Temple, last night presented his resignation as pastor of the Portland church to the presidential committee which met in special session, to consider the subject of his change to the pastorate of the Temple Baptist Church at Los Angeles.

Every member of the committee was opposed to Dr. Brougher's going, but the pastor declared that his decision was final, and the committee finally voted to present the subject to the church for action on Friday night, December 31. If the church accepts the resignation, it is understood that Dr. Brougher will accept the call to the Los Angeles church.

Watch Meeting Will Act.

It is expected the congregation of the White Temple will attend in force Friday night to vote. The regular prayer meeting, usually held on Thursday evening, has been postponed. The meeting will be a New Year's watch affair and will last till midnight, but the action of voting on Dr. Brougher's resignation will take place between 9 and 10 o'clock.

There is a rumor among prominent members of the church that a strong effort will be made to secure a vote of the church members against acceptance, but at the same time it is thought that if Dr. Brougher plainly expresses his desire to accept the Los Angeles call, the congregation will not hold out long against it.

Dr. Brougher has been chosen unannounced by the pulp committee of the Temple Baptist Church, after the names of all possible strong Baptist ministers in the East had been considered. All names but Dr. Brougher's were rejected, as he was considered the only man who could fill satisfactorily the vacancy left by Dr. Robert J. Burdette.

Place Regarded as Difficult.

Among the more important items for which contracts have been made, but for which value will not be received until taxes are collected to meet the necessary payments, are the following: Furniture for the average parsonage, \$1000; the building of a new parsonage, \$1000; the purchase of a new parsonage, \$1000; the purchase of a new parsonage, \$1000; the purchase of a new parsonage, \$1000.

A letter from Dr. Burdette to the Temple Baptist pulp committee said that if it is not allowed to make contracts in advance of the time money is on hand, it will handicap it in hiring teachers, and the attempt to demand technical interpretation of the law will interfere with the Board's work materially.

FIGURES DEFEND BOARD

PORTLAND SCHOOL DISTRICT HEADS CITE OLD DEBTS.

Education Body Asserts Former Obligations and Unfilled Contracts Swell Liabilities.

Statutes to prove that the spirit of the law, which prevents the Portland school district from incurring an unauthorized indebtedness of more than \$100,000 above its assets, is being violated, were prepared last night.

Table with columns for 1909 and 1908, listing various expenses and liabilities for the school district.

J. M. GEARIN ORATOR OF DAY

Oregon Man to Be Principal Speaker at Seattle Banquet.

SEATTLE, Wash., Dec. 29.—(Special.)—John M. Gearin, ex-Senator from Oregon, will be the principal speaker at a Jackson day banquet to be given at the State Democratic Club on Monday, January 3, at 8 o'clock. The dinner is to be a \$1 affair, so that it can be made to appeal to a large number of Democrats.

Frederick Bauman is to act as toastmaster and in addition to Senator Gearin, the following prominent Democrats have been invited to speak: W. H. Abel, Montesano; Thomas M. Vance, Olympia; Maurice Langhorn, Tacoma, and George Turner and William H. Crane, Seaside.

Plans for the banquet are in charge of P. C. Leonard, E. C. Million, George Murphy, James Gephart and Averil Deavers.



We have cut prices on every article of men's and boys' wearables in this big store. Money-saving opportunities abound and many good things are in store for the early comers.

Men's Suits and Overcoats—\$30 values now \$21.85. \$1.50 Silk Mufflers 75c. \$2.50 Wool Sweaters. \$1.35.

Lion Clothiers

166-170 THIRD ST.

Department of the regular income of the department. Including outstanding bonds amounting to \$279,000, the total indebtedness of the Portland school district is \$629,374. Less the bonds, the debt will amount to \$350,374, and deducting from this \$72,449.92 of cash on hand to meet obligations, the remainder is \$277,924.08, being the amount with which Mr. Brougher found the school.

Another debt contracted prior to this year, and which has not, through some error, been reported in last year's statement, was \$18,824.01, the final obligation of the district for the construction of the new Washington High School. This debt was paid prior to the time the financial statement was criticized by Mr. Holman, members of the Board say, but could not be reported because of the increase in the present indebtedness above the assets of the district.

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"FAKE" INSPECTOR ROBS

Oswego Postmaster Receives Stranger as Official—\$300 Taken.

OREGON CITY, Ore., Dec. 29.—(Special.)—Oswego's postoffice was robbed shortly after 7 o'clock this evening and \$300 estimated at between \$200 and \$300 taken. Officers are combing the country in search of the robber.

G. W. Prosser, postmaster at Oswego, said the stranger, who was dressed in a dark suit, entered the office a few minutes before closing time, introduced himself as a United States Postal Inspector. Prosser failed to demand the stranger's credentials, and instead, he let him inside and opened the safe to let him examine the books.

Prosser was unaware that anything was wrong until the arrival of his partner, who was set upon and cursed by the robber.

REVIEW OF MILITIA HELD

General Maus Praises Guardsmen Highly for Fine Appearance.

The most impressive review and inspection ever held at the Armory occurred last night when the Third Oregon Infantry, Battery A and the Artillery were reviewed by Brigadier-General Marion P. Maus, U. S. A., commanding the Department of the Columbia.

An exceptionally fine body of men and thoroughly familiar with the drill regulations, said General Maus after reviewing the review of the troops on review. "I doubt if any other body of men could acquire themselves better in the narrow space afforded."

ELECTRIC ROAD WORK DUE

Construction of Astoria Line Begins on Monday.

ASTORIA, Ore., Dec. 29.—(Special.)—ASTORIA, Ore., Dec. 29.—(Special.)—The construction of the Astoria line of the Astoria and Tillamook Railway Company, announced today that active work on the construction of the proposed electric line from this city to Seaside will be commenced Monday morning.

THE SIMPLE HOME REMEDY

The new remedy, Salgrene, for rheumatism and kidney trouble daily growing more popular. Retarded action of the kidneys causes the accumulation of uric acid in the blood and forms the foundation for rheumatism. Salgrene acts directly on the kidneys, eliminating the uric acid, thereby giving almost instant relief.

Procure two ounces Salgrene, four ounces pure olive oil and mix thoroughly and take two teaspoonfuls every three hours until relieved; then one teaspoonful three times a day.

SHOE SALE

We have made the following great reductions on Men's, Women's and Children's shoes to clean up our present stock and make room for Spring Shoes.

No Old Stock All New Shoes. Men's \$4.00 Shoes Reduced to \$3.15. All Women's Shoes Reduced to \$2.95. All Misses' Shoes Reduced to \$2.00. All Child's Shoes Reduced to \$1.50.

CAIN-RICE SHOE CO.

341 WASHINGTON STREET, AT SEVENTH

SWINDLER IN TOILS

Seattle Carpenter Confesses Audacious Plot.

SAW FOUR SCORE VICTIMS

Man Giving Name of J. W. Brown Caught in Act and Makes Clean Breast of Entire Scheme to Hoodwink Innocent Men.

Through the combined efforts of Captain of Detectives Moore, Detective Coleman and Snow and B. O. Reel, the traveling delegate for the Carpenters Union, James W. Brown, alias Smith, who had planned, it is said, a swindle against local carpenters on a colossal scale, was arrested yesterday afternoon in the Perkins Hotel where he was being.

The extent of Brown's operations was the trouble of having a rubber stamp made and giving positions to carpenters and their helpers for a deposit of \$7 each. In his books are the names of 87 hoodwinked victims (only two of whom, however, paid).

Brown had inserted an advertisement in the papers calling for a large number of workmen and for the purpose of getting out his plan had taken a room in the hotel, had sent to himself from Seattle a letter and telegram purporting to come from the Jones-Smith Construction Company giving the instructions relative to hiring the men to build the hotel which was to cost \$100,000. He had even gone to the workmen and for the purpose of stamping with the name of the fictitious company in order to make his letters look more business like.

He has further gone to the general passenger agent of the railroad and opened negotiations for a special car to take his employees to Medford on some date to be set within a day or two. A perfect stream of carpenters out of work, who were employed by an attractive "ad" offering \$4 a day for their services, spotted Brown's room in the hotel during the day and even after the officers had taken him away they continued to come.

To visit the place and determined to see the place. After talking to Brown he reported to the police. Two men were sent on the pretext that they were carpenters.

"Too late," said Brown, showing his book with 87 names inscribed, "the gang is all selected." Well, we are officers and want to know about the hotel," said one of them, and Brown began to show his doctored credentials. He could not give a satisfactory account of the Jones-Smith Construction Company, so he confessed the scheme he had in operation was merely a "fake" conceived to get money. Harry Reagan, living at the Hotel Hood, and B. F. Gallett, of Lewis, Ore., were the only two victims who had already paid in advance a deposit. The others were to have come back later in the afternoon, on this morning, and each were to pay \$7.

Evidently Brown had also planned to work some women, for the day before he had inserted an "ad" for a stenographer and bookkeeper. He had opened a bank account in the name of J. W. Brown, 463 East Morrison street; Anna W. Bozelle, living on the West Side, and one or two others, but none of these had been victimized.

After Brown had been "sweated," he admitted that he was a carpenter living in Seattle, who was out of work and had designed this scheme to recoup his fallen fortunes.

Brown had registered at the hotel under the name of J. W. Smith. He told the police that J. W. Brown was his true name.

Catholics to Help Unemployed.

Realizing the necessity in Portland of a Catholic employment bureau, the Knights of Columbus last night took

THE J. K. GILL CO.

—1910!

Amusements

"The Gay Musician" Tonight. The Schubert consider "The Gay Musician" which is meeting with such great favor the week at the Portland Theatre, one of the best musical attractions playing at the Portland Theatre and it was selected by them to open five of their new theaters this season, and it is slated to open their new St. Paul Theatre in February.

Una Clayton at the Orpheum. "His Local Color" is the title of a little play presented by Una Clayton and company at the Orpheum this week. It is an original playlet drawn on entirely new lines, and there is a great deal of comedy and pathos throughout. It possesses a little touches of pathos which give a heart interest that appeals. Matinee every day.

New Year's at the Baker. New Year's will start right for those who are presented by the Baker Theatre this week, for it is the big musical show of the season, and includes all the popular features of old-time burnt-cork entertainment, such as sweet songs, rare jokes and typical burnt-cork comedy. There will be a matinee New Year's day.

Domestic Difficulties? Do you have to struggle with your cook to get a square meal? Does she want a raise not less than seven times a week? If she does, drop down to Pantages and listen to the way Kierman, Walters and Kierman settle such arguments. Their comedy, "A Royal Cook," is one of the most hilariously funny of its kind.

Scream with Laughter. When Obey, the mule, resists attempts of men to ride him at the Grand, the audience screams with laughter. It is an act that raises more laughs than any other specialty which has visited the city recently. A reward is offered to anyone who can ride Obey a minute. It is an act all the children want to see.

Pink Tea Matinee Today. The regular pink tea matinee will be held at the Lyric today, and in connection with the matinee there will be a performance of the Pacific Coast dress pattern will be given away as a special feature. The Athlon Stock Company is playing "Ladies" to large crowds at every performance.

COMING ATTRACTIONS. Dolohy Sisters—Next Week. In the new bill which opens at the Orpheum next week are the Dolohy Sisters, who have just returned to this country from an extended trip through Europe, where they made a wonderful success. They are clever singers and dancing comedienne, who are an abundance of new material, and promise a bright spot, on their every day.

Next Week at the Baker. Whenever or wherever you see or hear this Irish expression, "So they were tellin' me," let it remind you of the beautiful Irish play that will be at the Baker Theatre all next week, opening Sunday matinee, and that its title is "Sweet Installation." Bernard Daly is the star.

"Stop-Look-Listen." Every one has read the words to be seen at any railroad crossing, but few know that a young Philadelphia lawyer was a prize of \$1000 from a Pennsylvania railway for them, and incidentally caused the writing of the delightful comedy in an act, entitled "Stop-Look-Listen," in which Miss Star Tull will appear at Pantages next week.

Romany Opera Company. The Romany Opera Company will come to the Grand next week as the headline attraction. There are seven grand operatic voices among the Romany singers, and the selections range from light to grand opera. "Stop-Look-Listen," in which Miss Star Tull will appear from the London Hippodrome.

Next Week, "The Squaw Man." Commencing with next Sunday's matinee, the theater-going public of this city will receive a treat in the production of Edwin Milton Ross's, great success, "The Squaw Man," which will be presented by the Athlon Stock Company, with a largely augmented cast and special scenic equipment.

At Bungalow Theater. The famous Ketchel-Johnson fight picture will be the attraction at the Bungalow Theater, Tuesday and Morrison Street, tomorrow (Friday) and Saturday, hourly from 2 to 10 P. M. There are without doubt the best and clearest pictures ever shown at the big theaters in plainly seen.



Portland's Leading Office Outfitters

This is the trademark which is found on every bottle of the genuine

Scott's Emulsion

the standard Cod Liver Oil preparation of the world. Nothing equals it to build up the weak and wasted bodies of young and old.

HAND SAPOLIO

FOR TOILET AND BATH.