SPAN OUSTED

Federal Judge Bean Rules Against Duniway and Kiernan.

DEMURRER IS SUSTAINED

Jurist Refuses to Grant Injunction Restraining City From Sale of Broadway Bonds - Federal Law Is Cited.

In refusing to issue a preliminary injunction yesterday, restraining the city from seiling Broadway bridge bonds, or proceeding with the construction of the bridge, Judge Bean, of the Federal Court, held closely to the decision of the Oregon State Supreme Court in passing upon the same Besides denying the injunction, Judge Bean sustained a demur-rer to the complaint, thus throwing Frank Klernan and Ralph R. Duniway. the bridge obstructionists, out of

In rendering his decision Judge Bean gave the two points at issue as

"It is alleged that the general initiative and referendum plan, as em-bodied in the state constitution, is destructive of the republican form of government and obnoxious to the provisions of Article 4, Section 4, Fed-

Constitutionality Is Questioned.

seond, that the amendment of June 4, 1968, forbidding the creation by the Legislative Assembly of corpora-tions by special laws, prohibiting it from enacting, amending or appealing any charter or act of incorporation for any municipality, city or town, and granting to the people of such organizations the power to enact and smend their municipal charter, is a practical abdication of the sovereign les, and a virtual creation of a state within a state, without the consent of Congress, contrary to the provisions of Section 3, Article 4, of the Federa

The judge said his views on the first auestion would be found in the cases of Kadderly against Portland and Oregon against the Pacific Telephone & Telegraph Company. "I need not further elaborate them," he said.

"The second question," he continued, epends upon the construction and efet of the constitutional amendment of 1305. It has been construed by the Su-preme Court of the state in Straw sgainst Harris, the City of McMinuville against Howenstine, and in the recent case of Kiernan against the City of

State Rights Regarded.

"As so construed, and especially in the opinion on rehearing in the latter case, it does not deprive the legislative power of the sovereign right to amend. repeal or even abolish, or to otherwise legislate concerning municipal corporations and their inhabitants, provided it is done by general laws, and is therefore not repugnant to the provisions of the constitution involved. It is settled law that the Federal Courts in consid-ering the validity and effect of a state statute or constitution will accept the construction placed thereon by he high-est court of the state, and they iwil not he is: disregard such interpretation and adopt a different construction which will make it repugnant to the Federal stat.

The application of this principle determines the case. The preliminary in-junction will be denied and the demurrer to the complaint sustained." M. G. Munley, a supporter of the Broadway bridge project, has gone to Washington, D. C. to urge that Senator Reurne's measure be passed. This measure authorizes the City of Portland to construct the Broadway bridge with approaches and terminals. The bill is intended to cure any defects in the city charter which might prevent the construction of the bridge and to give the city officials authority to issue the hands for funds to construct the

State Senator Kellaher introduced a similar hill in the State Legislature last week. The North East Side Im-provement Club, at a recent meeting, Indorsed both bills, and named a committee of 31 men to go to Salem to lobby for the state measure.

PIPE - LAYING PROGRESSES

Bull Run Crew at Work West of Gresham on Second Line.

GRESHAM, Or., Jan. 16 .- (Special.) --Laying of water mains for the second Bull Run pipeline has been going on steadily all Winter, the largest crews now being engaged west of Gresham. Nearly all the pipe has been delivered along the route between Sandy River and Mount Tabor. Beyond the Sandy the pipe will not be distributed until Spring, although the pipe has been taken to the Sandy bluff and banked for distribution.

riveted, of which four miles have been tested and the trench filled. The other two miles will be tested this

The work is being done at differen places, as at some points it was found inexpedient to do anything owing to the had weather.

pipe will be run through m, where there will be no work done until Summer, owing to the bad condition in which the streets would be left. Mains and connections are to be placed to supply Gresham with water and the city is not yet ready to begin. Plans for the new water and sower system will be submitted to the City Council at its next meeting.

CHINESE FIRM AFTER CASH

Hardwood Manufacturing Company Defendant in Lumber Suit.

The charge that the Pacific Coast Hardwood Manufacturing Company made only partial payment on one shipment of oak logs, and that a second shipment was refused, are the issues in the suit of the China Import & Ex-

\$40 a thousand feet, less 19 per cent of measurement. Later the price was cut to \$34 a thousand feet, and an order place for about 2,000,000 feet, to be shipped from Shanghal between May and August. The shipment was made on the steamer Skogstadt, and contained 1,447,417 feet. When the logs were refused in Portland they were sold in Los Angeles for \$26.50 a thousand feet. The Chinese firm demands the difference between this price and \$34 a thousand feet.

Jewelry Firm Alleged Bankrupt. To have the Booth Jewelry Company of Forest Grove declared bank rupt, suit was brought in the Federal Court yesterday. The plaintiffs are Nordman Brothers Company, San Francisco; M. Schussler & Co., San Fran-cisco; Henry M. Abrams Company, San Francisco, and M. Seller & Co. Nord-man Brothers Company allege the jewelry firm owes them \$1789.82:

EX-WIFE CHARGES FRAUD

Woman Says Divorce Obtained by Trickery-Spouse Remarries.

William J. Soverns, formerly of Prineville and now a Portland restdent, was made defendant in divorce

Lodge Members Testify How They Were Swindled.

WOMAN FIGHTS CHARGES

Edward C. Walch and Wife, Convicted of Securing Aid From Lodge Members Illegally, Fined and Given 140 Days in Jail.

Upon charges that were pressed by 50 or more citizens, representatives of many lodges, which the defendants had bilked. Edward Collins Walch and bilked, Edward Collins Walch and Edith Walch, his wife, were sentenced in Municipal Court yesterday morning to pay a fine of \$100 and to be imprisoned for 90 days. This sentence

PAIR WHO VICTIMIZED MANY LODGE MEMBERS.





Addie R. Soverns. She charges that he resorted to fraud and trickery in securing the divorce from her seven years ago. Soverns has since remarried and thus the case promises to be a complicated one.
Soverns married wife No. 1 in 1888

and they have four children, aged 21, 18, 16 and 14. They lived peaceably to-gether until April of 1904, when Soverns brought divorce proceedings, charging cruel and inhuman treatment. The charge was not resisted in court and Soverns, relating numreous instances of his wife's alleged bad temper, was awarded a decree.

Now his wife No. 1 charges that perjured himself in the Divorce Court

perjured himself in the Divorce Court and decuived her grossly on the day of the trial. In her complaint she relates that they continued living together after the proceedings were brought. On the day the case was set for trial. Soverns left her at home, saying he would go have the case dismissed. Mrs. Soverns says he returned home late in the day to say he had proceeded to put the case through, but that it "didn't were stranded on their way thither."

KELLAHER BILL LAUDED Delegation to Urge Passage of

Broadway Bridge Measure.

The North East Side Improvement Association will send a large delegation to Salem when the bill prepared by Senator Kellaher comes up to cure pos-sible defects in the proceedings for the Broadway bridge, W. C. North, vice-president, who is acting for the association in the absence of M. G. Munly, who is in the East, was authorized to appoint a special committee of 25 to go to Salem, but others may go if they desire. A special car on the electric railway may be chartered for the trip. It has not yet been decided on what day the delegation will go to Salem.

printed copies of the resolutions adopted at the meeting of the association last Friday night, asking for the adoption of the curative measure by the Legislature, a copy of which will be sent to each member of the House and Senate and to the Oregon Congressional delegation. By action of the Oregon Legislature and Congress it is hoped to block the efforts of the enemies of the bridge from delaying its construc

DEER PERISHES IN SNOW

Cold Snap Fatal to Pet-Roses Are Endangered by Frost.

CHEMAWA, Or., Jan. 16 .- (Special.)-As a result of the continued cold susp one of the young deer in the park at the Indian school was frozen to death last hight. The fawn had never been under cover and although a house was open it remained out in the weather and

The school will also probably lose some of its thousands of rose bushes, which were cut off close to the ground just before the storm. Twenty or 30 of the Indian boys were kept busy a couple of days cutting fir boughs and placing them over the bushes for non-

placing them over the bushes for pro-tection, in the hope of saving them. The plumbers are all busy repairing frozen pipes in the water and steam systems of the school. The ground is still covered with snow and unless it should go off with a freeze the grain crop will be helped rather than injured. The school's large crop of mammoth potatoes is safe, the precaution being taken by the gardener to have a fire in the roothouse.

In the suit of the China Import & Export Lumber Company against the local concern, which is on trial before Feders! Judge Bean. The suit is to recover \$21,183,23. The local manufacturing concern declares the logs were not up to specifications and therefore not adapted to their use.

Under a contract of July, 1905, 1,025, 718 superficial feet of oak logs were to be shipped from Japan by the steamer

Medicines that aid nature are always most effectual. Chamberlain's Cough Remedy acts on this plan. It allays the secretions and aids nature in restoring the system to a healthy condition. Thousands have testified to its superficial feet of oak logs were to be shipped from Japan by the steamer

Edictsen's coal satisfies. C 2303, E 303.

takes effects and runs after a similar sentence, imposed earlier in the morning by Judge Tazwell upon the two defendants, on a charge of vagrancy. In all, if the cash fine is not paid, the two prisoners will have to serve 280 days, half under the charge of the city and the other half in the custody of the Sheriff. Walch whimpered as he stood before

waich whimpered as he stood before the court, and the wife appeared the stronger of the two. She did the talk-ing for both, asserting herself forcibly in defense of her husband. Witnesses against the pair said that she was the more skillful schemer.

Only once did Walch show any ani-mation and that was when Judge Tazwell, in answer to a question of his, said that he could not pay all the pen-alty in cash, but would have to work out the 90 days. "Work" he almost

Soverns says he returned home late in the day to say he had proceeded to put the case through, but that it "didn't matter." They continued living together until 1907, she charges, when soverns suddenly abandoned her. Now he is married again.

In addition to a divorce, she wants \$100 a month alimony for the maintenance of herself and children as the family has had a hard time keeping the wolf from the door for some time that they lived in Astoria and work was a victim, he wrote to the firm of Feard & Stokes, in Astoria, he quoted Walch as saying. We have a fine home there and my wife is a spiendid cook. When Woods began to suspect that he was a victim, he wrote to the firm of Feard & Stokes, in Astoria, making inquiries concerning the couple, and was ance of herself and children as the family has had a hard time keeping that the street address they gave was that the street address they gave was that of the Postoffice building.

Mrs. Walch, who has a little daughter of the street address they gave was that of the Postoffice building.

Mrs. Walch, who has a little daughter of the postoffice building.

Mrs. Walch, who has a little daughter who is very scaring to little girls who are not very good and go to sleep

that of the Postoffice building.

Mrs. Walch, who has a little daughter with her, seems to have been the brains of the team. They seem never to have made a slip in remembering the secret work of the many lodges with whose rituals they had become acquainted.

Ittle skit all about a big black man who is very scaring to little girls who are not very good and go to sleep when the sand man comes.

As acrobats, Caroh and Farnon cause merriment and appreciative applause for the skillful feats which

Steps will be taken to have the pic-tures of the man and woman published in the leading lodge papers, in order that members may be warned against them when they regain their liberty.

TOURISTS BOUND SOUTH OUT-NUMBER PAST RECORD.

Railroad Men Say Sojourners Aid Oregon, Each Lauding State and Inducing Many to Call.

Winter tourist traffic from Portland to Southern California points is greater this year than ever, but for every Oregonian who visits California two Eastern and Southern residents will call on Portland next Spring and Summer, according to the estimates of

local raliroad officials. C. W. Stinger, city passenger agent for the Southern Pacific, said yesterday that at least 1666 Portland residents will go to California during the Winter months—December, January, February and March. This is a greater number than has gone out of this city on similar trips in any season since the

oad was opened. Hundreds of prosperous Portland residents who formerly journeyed to Florida and points in the Old South, now go to California to pass their Winters. Their example is followed by other large numbers from the Puge. Sound and Inland Empire districts. This year a host of Canadian tourists is ar-ranging to do likewise. A special train bearing a large party of them will pass through this city in a few days.

Instead of viewing this situation with regret, officials of the local rhilroads may that it helps to bring people : Every Portland resident away from home is an advertiser for his own city and state, they argue. In California jaunts Portland people come in regular contact with people from all parts of the country and proclaim to them the glories of Oregon. The consequence is that hundreds of Easterners will visit this state after seeing California.

As a result of the presence in the Southern state of large numbers of Oregonians, attendance at the next Rose Festival will be augmented by thousands who never before have seen Portland's annual display of flowers. Every Portland man or woman in another part of the country can be depended upon to bring at least two others to the state as a result of en-thusiasm over this section. A certain percentage of the visitors to the city Edictsen's coal satisfies. C 2303, E. 303, can be depended upon to become permaIt is for this reason that the rail-roads are eager to send as many Ore-gon residents as possible to the Winter

Influx of visitors to Portland will begin in the latter part of April, when most of the Oregonians now in distant parts, will begin to return to their homes.

The passenger departments of afternoon of the roads entering Portland already are receiving inquiries with reference to especially during the Rose Festival period. rates during the tourist season and

New Bills Open at the **Vaudeville Houses**

WIDELY diversified is the bill at the Orpheum this week, with two really unusual acts as headliners, one satire on the weaknesses of presentday motor maniacs, and the other a

trained leopard performance. The first, which Harry Tate's English comedy company offers, was seen here two seasons ago, but is one of those unique, never-grow-old things, genuinely funny all through. A car. driven by a sputtering chauffeur whose knowledge of autos is limited to gog-gles and a linen duster, comes chug-ging onto the stage and just as suddently stops for apparently no cause. The owner of the car, a real English chappie, and his young son, a Rollo youth in Eton clothes, engage in a spirited discussion about the cause of the breakdown. Wayfarers pass, a dirty street gamin pokes his inquisitive nose into matters, and with the arrival of a "cop" the entire jabbering, gesticulating, know-nothing bunch engage in a free-for-all fight. It's a continuous and contagious fund of fun that "Motoring" act, as it is called, and a worthy headliner.
Dolores Vallecita, a chic and at-

tractive maid who looks every inch her name, gives a picturesque animal act, in which a group of beautiful leopards go through a series of tricks that evidence their excellent training quite as much as their natural sagacity. As a much as their natural sagacity. As a finale to this extraordinary act, Mine. Vallecita groups the handsome full-grown jungle cats about a piano, and while she plays rapid-fire music the beasts accompany her by ringing bells. Next in interest is John Neff, who bills as "the greatest musician in the world," and burlesques excellently, with Carrie Starr, a dainty damsel, to nelp out the general comedy of the act. John gives a fine account of himself as a comedian, singing a lot of brand new parodies on grand opera scores. Their act is particularly effective in its stage

Fred Force and Mildred Williams have a farce they call "The Girl Ahead," in which Force plays a coun-try bumpkin capitally, while Miss Williams sings, chats, plays a violin and does queer piccolo notes in her throat. She is known as the "girl with the mysterious voice," and lives up to the

The two Kennedys and Miss De Milt contribute a large slice of fun to the programme in their melange of songs, cheerful conversation and eccentric dances. One of the Kennedy lads is a boneless wonder and does terpsichorean

steps that bring rounds of aplause.

The two Ahlbergs open the bill with an acrobatic act in which they work like lightning and, to keep up the simile, it has an electrical effect on the audience. Hess, Munro and Powell, three Mel-

lin's food advertisements, vocalize and instrumentalize quite some, The orchestra 's "there" with four good numbers this week.

This led to an increase of his sentence LAUGH and the world laughs with you is the motto evidently of

cause merriment and appreciative ap-plause for the skillful feats which they perform, including dextrous leaps over chairs and tables.

The opening number this week is offered by the Chamberlains, Frank and Myrtle, who appear with ropes of various lengths and their expert manipulations of these is as a fresh bit of breath from the prairie. The man also performs several difficult stunts with the long stock whip formerly used to drive cattle, but now given up because of its extreme cruelty.

Bright bits of late music and medleys of tunes popular and up to date are offered by the two musical numbers on the programme, the Olio Trio and Hart and Berrick. The Olios

are three young fellows who play the plano and banjo to the accompaniment of a series of clever songs.

Hart and Berrick do a short love-making skit full of the ridiculous and clever interspersed with sentimental tunes and one attractive selection by Miss Berrick entitled "The Maid Who Used to Re a Chorus Girl"

Used to Be a Chorus Girl." The grandascope has a complicated little plot about more or less serious difficulties arising over a misplaced petticoat. Also words on the efforts of the orchestra are not amiss this week as the selection of airs is appropriate and entertaining.

RESTRAINING ORDER OUT Pacific and United Telephone Com-

panies Can't Interfere.

The restraining order preventing the Pacific Telephone & Telegraph Com-pany or the United Telephone Company disconnecting the lines of the Northwestern Long Distance Telephone Company was extended by Judge Bean yesterday, so that it will remain in force until the suit of W. D. Tyler, re-ceiver for the Northwestern Company,

omes to trial. Pacific Company is permitted to apply at any time for a modification of the order. The Pacific Company and United Telephone Company must not refuse to exchange business, and must not in any way interfere with the ex-

YEAR'S BATHS COME HIGH Henry Tuerck Is Alleged to Have

Taken \$999.50 Worth in 1910. Alleging that Henry Tuerck enjoyed

\$999.50 worth of baths and massages during 1910 and then refused to pay for the treatment, J. H. Leader brought suit in the Circuit Court yesterday to An itemized statement is not made.

VANCOUVER, Wash, Jun. 16.—Spe-lal.)—John Secriat was for the fourth erm appointed Chief of Police of Van-ouver. Chief Seacrist Is Reappointed.

Boys, Get Busy-You Are Sure of a Prize

The Greater Olds-Wortman-King Store Boys' Airship Contest

and Meet Jan. 23d to 28th

Under the Auspices of the Aero Club of America

\$300 in Prizes

Entries Close Monday, January 23d

Busy boys are making Airship Models in every section of the city-Some are determined to win the big first prize-Others will be content with the smaller prizes.

Every Exhibitor Will Get a Prize

We will positively not permit any professional-made models to enter for prizes. Every model airship, aeroplane, or biplane entered for prizes must be made by the exhibitor—a boy under 18 years of age. The judging will be done by citizens not connected with the store, the points being:-Workmanship, Ability to Stay in the Air, Distance of Flight, Original Ideas, etc.

This contest offers better prizes and greater inducements to exhibitors than any like contest ever conducted in Portland. Many interesting features will be introduced as the meet progresses. Remember, entries close Mon., Jan. 23

Full Details and Entry Blanks May be Obtained at Advertising Department, 5th Floor. Watch the Daily Papers for Further Announcements

ANARCHIST ATTACKS GUARD ON WAY TO ROCKPILE.

Though Manacled to Others, He Strikes and Kicks Keeper in Car. Sentence, Three Months.

"I an an anarchist and I will not work for any government," said A. J. Lawler, as he was led out of the Municipal Court yesterday morning under sentence to serve 90 days for vagrancy. He made the announcement at the conclusion of a violent demonstration in the courtroom, in which he denounced the court, police and the Government.

from five days to 90 days. Lawler had been at the City Jail since last Thursday, and had been a constant source of trouble to the police. He was arrested by Patrolmen Henson and Courtney in the railroad yards and refused to give his name, saying that it was his right to prosaying that it was his right to pro-tect his reputation. He was ordered out of the city last Saturday, but when he went to obtain his property, still refused to give his name, without which it could not be found. He then attacked Sergeant Riley and was re-

Handcuffed between two other prishandcuffed between two other pris-oners, the anarchist, on his way to Linnton, grew violent on the street-car, and for a time put up a terrific battle, which gave Guard Anderson all he could do to restrain the prisoner. Lawler was quiet, but sulky, when he was brought out of the jail to be turned over to Anderson, and submit-ted to being handcuffed. On account of his previous violent conduct, he was placed between other prisoners. After the prisoners were placed aboard the car. Lawler suddenly be-came violent, and, dragging his mates with him, dashed about the car, scream ing and yelling. He managed to reach Anderson and with his manacled hands.

"A MARRIED WIDOW" FUNNY Dillon and King Appear in New Melange Act at Lyric Theater.

subduing Lawler.

though attached to the other prisoners

struck the guard in the face and kicked him. Anderson finally succeeded in

An amusing concection of fun, nonsense and music is being served at the

Lyric Theater this week under the title of "A Married Widow," the latest piece from the pens of Dillon and King, the omedians. As General Puff Up, Ben T. Dillon causes no little laughter, going through

an ordeal of fear and terror, immediately following his marriage to a dashing widow. Friends tell him of their acquaintance with the bride when she carried another name. In each case the name of the ex-husband was different, and a gloomy tale of how the husband met his death after eating bean soup, supposed to be poisoned, is unfolded. When the bride appears and informs the General that she has prepared some bean soup for him, his fears reach the ague state. However, the w'fe allays all fears when she tells that in order to escape debts, she and her former

The Easy Road To Wellville

Grape-Nuts

Contains the Food Strength of Wheat and Barley in Easily Digestible Form.

"There's a Reason"

husband changed their name at every

place they stopped.

Will King as a "bell-hop" furnishes lots of fun. He makes a hit with his

Pretty and attractive Maude Rock-well received rounds of applause at the performances yesterday for her rendi-tion of "Good-night, Dear." Buster hard coal for \$10. East 303, C 2303.

catchy little ditty entitled "That Yan-kiana Rag"; Miss Norton and Fred Lancaster please immensely with a litlittle parodies on popular songs and the duet entitled "Let Me Tell Your was encored several times yesterday, Fortune, Dearie," and Fred Lancaster having finally to satisfy the audience was compelled to repeat his "Your with an announcement that "enough is Father Was a Sold'er" several times The chorus was at its best in "I'm Looking for a Nice Young Man."



Why should any home be without music when The Wiley B. Allen Co. Fire Insurance Adjustment Sale places a piano within such easy reach? First of all, the prices are so low for fine pianes and player pianos that every purchase is a solid investment. And the Terms are so liberal that you will find it no burden to buy a strictly high-grade instrument during this sale.

Store Open Evenings 304 Oak Street, Between Fifth and Sixth



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