

OBSTRUCTIONISTS OF 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 selling 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 matter. Besides denying the injunction, Judge Bean sustained a demurrer to the complaint, thus throwing Frank Kiernan and Ralph R. Duniway, the bridge obstructionists, out of court.

In rendering his decision Judge Bean gave the two points at issue as follows: "It is alleged that the general initiative and referendum as embodied in the state constitution, is destructive of the republican form of government and obnoxious to the provisions of Article 4, Section 4, Federal Constitution.

Constitutionality Is Questioned.

"Constitutionality is questioned. The amendment of June 4, 1904, forbidding the creation by the Legislative Assembly of corporations by special laws, prohibiting it from enacting, amending or repealing 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 amend their municipal charter, is a practical abdication of the sovereign power of the state over such localities, and a violation of the provisions of Article 4, Section 4, of the Federal Constitution.

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 considering the validity and effect of a state statute or constitution will accept the construction placed thereon by the highest court of the state, and they will not disregard such interpretation and adopt a different construction which will make it repugnant to the Federal statute.

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 being engaged west of Gresham. Nearly all the pipe has been delivered along the route between Sandy River and Mount Taber. Beyond the Sandy the pipe will not be distributed until after the first of March, as the pipe has been taken to the Sandy bluff and banked for distribution.

DEER PERISHES IN SNOW

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

CHEWAWA, Or., Jan. 16.—(Special.)—As a result of the continued cold snap one of the young deer in the park at the Indian school was frozen to death last night. The fawn had never been out of the house and although a house was open it remained out in the weather and perished.

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 & Export Lumber Company against the local concern, which is on trial before Federal Judge Bean. The suit is to recover \$21,182.25. The local manufacturing concern declares the logs were not up to specifications and therefore not adapted to their use.

Vermont. They were to be paid for at \$40 a thousand feet, less 10 per cent on measurement. Later the price was cut to \$34 a thousand feet, and an order placed for about 2,000,000 feet, to be shipped from Shanghai between May and August. The shipment was made on the steamer Skogstad, and contained 1,417,117 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 bankrupt, suit was brought in the Federal Court yesterday. The plaintiffs are Nordman Brothers Company, San Francisco; M. Schussler & Co., San Francisco; Henry M. Abrams Company, San Francisco, and M. Sells & Co., Nordman Brothers Company allege the jewelry firm owes them \$1789.52.

EX-WIFE CHARGES FRAUD

Woman Says Divorce Obtained by Trickery—Spouse Remarks.

William J. Soverns, formerly of Prineville and now a Portland resident, was made defendant in divorce proceedings brought in the Circuit Court yesterday by his divorced wife, 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.

PAIR WHO VICTIMIZED MANY LODGE MEMBERS.

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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 Kellaheer comes up to cure possible 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 for the electric railway may be chartered for the trip.

WINTER TRAVEL EXCELS

Tourists Bound South Out-number Past Record.

Railroad Men Say Sojourners Aid Oregon, Each Landing 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 railroad officials.

RESTRAINING ORDER OUT

Pacific and United Telephone Companies Can't Interfere.

The restraining order preventing the Pacific Telephone & Telegraph Company or the United Telephone Company from disseminating the names of the Northwest Long Distance Telephone Company was extended by Judge Bean yesterday, so that it will remain in force until the suit of W. D. Tyler, receiver for the Northwestern Company, comes to trial.

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 collect the sum.

BUNCO PAIR JAILED

Lodge Members Testify How They Were Swindled.

WOMAN FIGHTS CHARGES

Edward C. Welch 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 Welch and Edith Welch, his wife, were sentenced in Municipal Court yesterday morning to pay a fine of \$100 and to be imprisoned for 90 days. This sentence

RED PRISONER VIOLENT

Anarchist Attacks Guard on Way to Rockpile.

Strikes and Kicks Keeper in Car. Sentence, Three Months.

"I am 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 30 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.

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Only once did Welch show any animation and that was when Judge Tazewell, in answer to a question of his, said that he could not pay all the penalty in cash, but would have to work out the 90 days. "Work," he almost shouted, and showed great agitation at the thought.

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ment residents or to induce others to locate here.

It is for this reason that the railroad is eager to send as many Oregon residents as possible to the Winter resorts.

New Bills Open at the Vaudeville Houses

Orpheum.

WIDELY diversified is the bill at the Orpheum this week, with two really unusual acts as headliners, one a satire on the weaknesses of present-day motor maniacs, and the other a trained leopard performance.

The first of the Harry Tate's English comedy company offers, was seen here two seasons ago, but is one of those unique, never-grow-old things, genuine fun all through. A car driven by a sputtering chauffeur whose knowledge of autos is limited to goggles and a linen duster, comes chugging into the stage and, without a word, suddenly stops for apparently no cause.

Dolores Valicetta, a chic and attractive maid who looks every inch her name, gives a picturesque animal act, in which a group of beautiful cats go through a series of tricks that evidence their excellent training quite as much as their natural sagacity.

Next in interest is John Hoff, who bills as "the greatest musician in the world," and burlesques excellently, with Carrie Starr, a dainty damsel, to help out the general comedy effect. 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 setting.

Fred Force and Mildred Williams have a farce they call "The Girl Ahead of the Parade" which plays a comical bumpkin capably, 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 label.

The two Kennedys and Miss De Mill contribute a large slice of fun to the program 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 amusement.

The two Albergers open the bill with an acrobatic act in which they work like lightning and, to keep up the show, it has an electrical effect on the audience.

Hess, Munro and Powell, three Melin's food advertisements, vocalize and instrumentalize quite some. The orchestra is "there" with four good numbers this week.

LAUGH and the world laughs with you is the motto evidently of Lester and Kellett, the droll pair of wits who head the bill at the Grand Opera House. A laugh that is contagious responds from the lips of Lester when Kellett sparkles a joke at him in answer to some ridiculous pun or frivolity.

As popular with the audience is pretty Marguerite Fry, who sings with a clear high soprano and dresses with a dash and charm. As a pink pajama Marguerite sings a bewitching little skit all about a little black man who is very scary to little girls who are not very good and go to sleep when the man comes.

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

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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 pianos 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.

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

Good old GUCKENHEIMER Pure Rye

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ROTHCHILD BROS., DISTRIBUTERS, PORTLAND, OREGON.