

MCGINN REFUSES TO OUST TAZWELL

Court Declines to Dissolve Injunction of Police Judge Against Mayor.

SIMON TO TAKE APPEAL

State Circuit Tribunal Forbids City Head From Interfering With His Appointee Until Higher Bench Acts in Matter.

COURT UPHOLDING TAZWELL, MAYOR TO REFUSE TO PAY POLICE JUDGE.

While Judge McGinn has ruled against me, I still feel certain that I am morally and legally right in my position," said Mayor Simon, after the decision upholding Judge Tazwell was announced. "I shall appeal the case, but that, of course, will not authorize me to bring about the removal of Tazwell from the bench of the Municipal Court for a good while, if I am sustained. Feeling that I am in the right, I will continue to pay for his time, as the law will uphold me in the end. He is in no sense entitled to the position, and I shall continue the effort to cause his removal."

Judge McGinn, in the State Circuit Court, yesterday afternoon refused to dissolve the injunction he issued recently preventing the Mayor or any other person from interfering with the duties of George Tazwell as Municipal Judge.

This decision was followed by announcement by Mayor Simon that he would appeal the case in his effort to have Judge Tazwell deposed and J. P. Kennedy installed in his place. It was agreed by all the attorneys who took part in arguing the case before Judge McGinn that a court of equity could not dissolve the injunction or Kennedy's appointment to the office of Municipal Judge, but Attorney O'Day, appearing for Tazwell, argued that it was the court's duty to maintain the status quo until the legal status of the case is determined. Judge McGinn's decision was in accordance with this contention.

Mayor Fights Own Case.

Mayor Simon, appearing as his own attorney, opened the case, which was for the purpose of determining if the injunction should be dissolved. The Mayor contended that the city charter, which authorizes the Mayor to remove his appointees, would apply to the removal of men appointed to fill vacancies in elective positions. He also presented evidence to prove that Judge McGinn, in a court of equity, had no legal jurisdiction over the case, and that the Mayor cited many decisions of Supreme Courts.

Attorney O'Day, following the Mayor's argument, said he agreed with the Mayor concerning the inability of the court to decide who is the legal Municipal Judge in the case, but he contended that unless the restraining order should continue in force Tazwell should be removed and denied his office as Municipal Judge. He has been with the Mayor's office since the latter was appointed to the position, and if it should be decided later that he was entitled to the position, all the actions of Kennedy, as Municipal Judge, would be illegal. He contended that the person in possession of an office had the right to it until it should be decided legally that another was entitled to it.

Mayor's Authority Questioned.

It was argued by Attorney O'Day that the Mayor had appointed Judge Bennett at the time of Judge Bennett's death, and that it was not within his province, according to the city charter, to make any further appointment in the case after the appointment had been made. The charter section providing that the Mayor might remove an officer appointed by the United States, was sustained in their decision after the war closed.

Injunction Made Permanent.

Mr. Logan explained that if Mr. Kennedy was forced to take up the case under a separate action, the case would probably not be decided until the Municipal Judge is elected. He asked that the restraining order be dissolved, and Judge Tazwell forced to protect himself in the case. It is not the purpose of this court," said Judge McGinn, "to prevent the Mayor from issuing an order removing Judge Tazwell, or preventing him from appointing a person to succeed him. The decision goes to this effect, and no further—that George Tazwell is entitled to the position of Municipal Judge until a court of competent jurisdiction shall decide otherwise. This court refuses to dissolve the injunction. The arguments in the case lasted three hours, and the courtroom was crowded throughout the hearing.

BEATTY MAY BE PUNISHED

Deputy, Ignoring Court's Order, Is Cited to Appear.

Frank Beatty, Deputy Sheriff, was cited by Judge Morrow yesterday to appear before him before Friday afternoon and show cause why he should not be punished for contempt of court in not liberating F. H. Lasher when a writ of habeas corpus was served on Beatty to free Lasher, who was being held out of the jurisdiction of the local courts that he might be taken to Arizona to answer to a charge of horse-stealing.

The attempt of courts of two states to obtain possession of Lasher at the same time has resulted in a complicated legal situation that promises to end when the citation issued yesterday is satisfied. Lasher was paroled by Judge McGinn recently, and as such he was required by law to remain within the

CENTRAL OREGON LINE NEAR GOAL

Deschutes Road to Reach Madras Next Saturday or Sunday Night.

ALL CEREMONY DEFERRED

Ambition of Northwest Rail Kings About Attained by Hill—Mid-state Towns Vio to Be First to Send Shipments.

Without ceremony to mark the event the goal of nearly two score years of planning and scheming, the dream of every railroad official who has entered the Northwest in that period of invasion of Central Oregon by a continuous rail line from Columbia River connections will be reached next Saturday night or Sunday.

By that time the rails will have been could be completed to Madras and said the work might be delayed until March 12. The present condition of affairs indicates that his calculations were correct. While the ceremony of the opening of the line into Madras at this time, it is probable that a formal "entrance" of the much-coveted country or a "spike driving" will be arranged later. This was the plan suggested by Louis W. Hill, president of the Great Northern on his last visit to Portland. In that event it is likely that James J. Hill, father of the Deschutes Valley line, known to the world as the Oregon Trunk, will preside at the ceremony.

Big Event Planned.

According to Mr. Hill's idea the celebration will be delayed until later in the year when the weather is such as to permit convenient and pleasant conditions for travel are better. It would be possible to operate a special train out of Portland the morning of the day the line is opened, and the company will be conducted from his office. Whether an official "opening" will take place has not been decided either here or in St. Paul.

Residents of Central Oregon are eager to celebrate the final entrance of the railroad into their territory. Already they are preparing to have the rails extended to the first to ship freight out over the new line.

Freight Contracts Made.

Agents for the road are making contracts for freight shipments on and after March 1. These are subject to acceptance at the point to be selected as the end of the line at that time. While Metolius, eventually, will be the terminus of the line, the final terminus of the Oregon Trunk, it is not certain that Metolius will be the receiving point for the freight, as freight and freight handled between March 1 and the time the road is completed to Bend.

Grading as far south as Bend has been completed, and the work will be pushed to the place as rapidly as possible. It is probable, too, that freight trains will be operated to way stations south of Bend as fast as the road is extended south.

Settlers coming into the state with their goods loaded on single cars will be carried to the destination before March 1. Several are on the way now.

BRIDGE WORK IS DESCRIBED

Chief Engineer Modjeski Makes Report on Noteworthy Undertaking.

Ralph Modjeski, chief engineer of the Vancouver-Portland bridge across the Columbia and Willamette rivers that were completed two years ago last fall, has submitted a complete report of the work, printed and bound in book form. The report is being distributed to the Northern Pacific Railway Company, and to John F. Stevens, president of the Spokane, Portland & Seattle Railway Company.

The report includes photographs of the two structures, showing them in their completed forms and giving a full account of the work. The first chapter contains a general narrative of the work, beginning with the time when he first met with engineers and officials of the Northern Pacific Railway in New York, which was September 21, 1905, to the date that James J. Hill's special train crossing the two structures formally opened them to traffic. This was on November 5, 1908.

Another chapter is devoted to a general description of the work. Under the heading of "The bridge," the author describes the bridge across the Washington channel of the Columbia, the structure from the Oregon bank to Hayden's or Shaw's Island, the bridge over the Oregon Slough, and the Willamette River bridge proper. Appended is a complete list of engineers, employees and contractors with the respective places of residence and a copy of the act of Congress authorizing the construction of the bridge across the Columbia River, this act being approved December 21, 1905, and the approval by the Secretary of War of the plans for the Willamette River bridge. Complete copies of the specifications for the superstructure and the bridge, together with the specifications for the ashlar and for the Portland cement used in the work.

The book is supplemented with 25 full-page maps and plans of drawings and plans for the bridges. Copies of the bound report will be delivered to the offices of the several railroads using the bridges.

CHICKENS VEX MINISTER

Woman in Court for Letting Fowls Scratch in Church Garden.

Because her chickens scratched out the bulbs and seeds planted around the Church of God, Garfield and Walling streets, Mrs. Jack Spady was cited in Municipal Court yesterday to answer to the complaint of Albert E. Spady, pastor of the church. Mr. Spady said that green labor and some expense he had set out all kinds of flowering things around the church edifice, and that Mrs. Spady's chickens scratched them up as fast as he could plant them.

Mrs. Spady said that hers were good, church-respecting chickens and that she always kept them penned up. She thought that if the offending pullets were kept close at home in the future, the complaint would be satisfied and she carried the first papers. I am satisfied with the case with that understanding.

NEW SCHEDULE TO

Seattle, Tacoma and Intermediate Points.

Effective Sunday, February 5th, "O-W Owl" on O-W. R. N. "Puguet Sound Route" will leave Portland at 11 P. M. instead of 11:45 P. M. for Seattle, Tacoma, Centralia, Chehalis and all Puget Sound points. Sleeping cars open for passengers at Union Depot at 10:30 P. M. on arrival and passengers may remain in these sleepers after arrival at Seattle and Tacoma until 3:30 A. M.

DOUGLAS COUNTY PIONEER DIES AT HOME IN OAKLAND AT AGE OF 84.

Mrs. Almira Fay Stearns.

OAKLAND, Or., Feb. 8.—(Special.)—Almira Fay Stearns, for 57 years a resident of Douglas County, died at her home in Oakland, Or., Sunday, February 5. She was 84 years old. Mrs. Stearns came to Oregon over the Nicaragua route to California in 1853. The year after she came to Scottsburg, Or., and to Oakland in 1876. She was born in Mendon, Mass., May 24, 1825, was married to D. Stearns, and January 3, 1847. She is survived by a husband and five sons—G. J. Stearns, Judge A. F. Stearns, J. W. Stearns, R. L. Stearns, all of Oakland, and Judge J. B. Stearns, of Portland. All the children were present at her bedside when death came. This is the first death of the family of seven in 64 years.

Mrs. Stearns was a member of St. George's Episcopal Church of Roseburg.

She was buried in the cemetery at Roseburg.

Several applicants for this position have been examined. Many among them were well qualified and excellent candidates, but others were well able to fill the position of head of the lighting department, but none, so far, has combined these two essential qualities.

"We shall not hire a man for the general management until we find one that can take charge of both ends of the road. Whether the line will operate out of Metolius, six miles beyond Madras has not been determined. Grading of the track has been completed and the rails will be laid into the city next week. Traffic officials of the Hill system are figuring out a freight schedule to go into effect March 1, after which shipments for inbound and outgoing material will be accepted for passage over the new line.

All Central Oregon now has its eyes on the crews of men who are bending every effort to reach Madras by the end of this week. That they will be successful is indicated by the fact that they have averaged 11,500 feet a day, nearly two miles—the first of the week, and if the maintain that record they will finish Saturday.

When John F. Stevens, president of the North Bank, returned from the East a few weeks ago, he set February 20 as the earliest date upon which the rails

could be completed to Madras and said the work might be delayed until March 12. The present condition of affairs indicates that his calculations were correct. While the ceremony of the opening of the line into Madras at this time, it is probable that a formal "entrance" of the much-coveted country or a "spike driving" will be arranged later. This was the plan suggested by Louis W. Hill, president of the Great Northern on his last visit to Portland. In that event it is likely that James J. Hill, father of the Deschutes Valley line, known to the world as the Oregon Trunk, will preside at the ceremony.

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CITY PARK SITE IN VIEW

Fulton Improvement Club Meets and Favors South Portland Property.

Resolutions were passed Tuesday evening at a meeting of the Fulton Park Improvement Club recommending to the Board of Public Works the purchase of the Huddleston property in South Portland for a site and city park. Councilman Belding, who was present, expressed the opinion that the members of the Park Board would inspect the property in the near future.

After hearing H. M. Fancher, an architect, speak the club appointed a committee to try to persuade Milton O. Nelson, a boulevard expert from Minneapolis, to give a lecture before the club.

PARK & TILFORD.

A name to conjure with. It means wholesomeness, flavor and delicacy in buns, sandwiches and filled with charming sweetness. Sig Schel & Co., 22 Third and Washington.

RESULTS OF FOOD

Health and Natural Conditions Come from Right Feeding.

Man, physically, should be like a perfectly regulated machine, each part working easily in its appropriate place. Slight derangement causes undue friction and wear, and frequently ruins the entire system.

Generally make my entire breakfast on a raw egg beaten into four spoonfuls of Grape-Nuts, with a little hot milk or hot water added. I like it extremely, my food assimilates, and my bowels take care of themselves. I find my brain power and physical endurance much greater and I know that the use of the Grape-Nuts has contributed largely to this result.

"I write this testimonial, and trust it may be the means of aiding others in their search of health." Name given by Postum Co., Battle Creek, Mich. Read the little book, "The Road to Wellville," in pgs. "There's a Reason."

Ever read the above letter? A new one appears from time to time. They are genuine, true, and full of human interest.

Webfoot Oil Dressing, the greatest shoe grease made. All stores.

Dr. Lyor's TOOTH POWDER

is used by people of refinement in every part of the world where the use of the tooth brush is known

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WORK MUST BEGIN

Mount Hood Franchise to Forbid Undue Delay.

POWER TERMS DISCUSSED

Council's Attitude Is Friendly, Indicating That Ordinance Will Be Passed—Half Million Will Be Expended.

If the City Council gives to the Mount Hood Railway & Power Company a franchise to operate an electrical power plant in Portland, the company must begin work within 90 days from date of passage of the ordinance and \$250,000 must be expended in its promotion within two years from that date. These amendments were ordered by the Council yesterday morning after considerable debate by Councilmen Cellars and the proposed franchise was then sent to the Executive Board for valuation.

The terms imposed are agreeable to the promoters of the company, as was said by Chief Engineer Smith and C. W. Fulton, legal representative. When Mr. Cellars sought to insert a clause to make the maximum rate for electrical energy the same as contained in printed contracts of the company, however, Mr. Smith objected. He said the rates proposed in the franchise as it stood were between 15 and 20 per cent lower than those charged by the Portland Railway, Light & Power Company at present, while in the contracts to be signed by patrons the rate is even less.

It would be unfair and burdensome to tie us down to the rates in our printed contracts," said Mr. Smith. "While we may give those rates to many, we do not feel that our franchise should limit us to them; there might be times when a higher rate would be justifiable and necessary to protect our rights."

As the Council, in the terms of the proposed franchise, has the power to regulate the rates reasonably, no definite action was taken on this subject, but will be revived when the Council resumes consideration of the franchise after its return from the Executive Board.

Mr. Cellars was the only member of the Council who offered amendments to the proposed franchise, and the act toward the project, indicating early granting of the measure. The company, according to Mr. Smith, is expending a large sum to bring power to Portland and it will cost the company, they declared, \$500,000 to equip a plant and lay wire to furnish 6,000 horse power in the business district. Operations, it was said, would be governed solely by the demand for power and lights after the plant is installed and running.

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Webfoot Oil Dressing, the greatest shoe grease made. All stores.

FOR 30 DAYS

PERFECT BLOOD PURIFICATION

FOR 30 DAYS

MASSAGE OF THE MUSCLES

BEAUTIFUL PUBLIC PARK WITHIN TRACT

MAGNIFICENT VIEW OF MTS. NEEDES & VALLEYS

IDEAL CLEAN AND HEALTHFUL

52 FEET OF SHADE TREES

52 FEET OF CELESTIAL LIGHTS

52 FEET OF SHIP PARKING STRIPS

26 FEET OF ASPHALT DRIVEWAYS 18'0"-4'2" WIDE

52 FEET OF 6" P.C. CONCRETE WALKS

26 FEET OF SEWERS 10" TO 18" MAINS

26 FEET OF 6" IN WATER MAINS

26 FEET OF 4" IN GAS MAINS

SPECIAL 10% DISCOUNT

On all unsold lots in the S. E. quarter of Laurelhurst, being the last section recently placed on the market.

BUILDERS 15% DISCOUNT

We are prepared to finance first and second mortgages. This enables you to select your own lot, plan and build your own home, and pay for same under our easy payment plan, which is as low as the average monthly rentals paid.

OUR SALES FOR THE LAST 27 DAYS IN

Laurelhurst

The Addition with Character
\$150,000 UNDER THIS SPECIAL DISCOUNT PLAN.
43 HOUSES CONTRACTED FOR.

If you have not inspected LAURELHURST recently go out today and be convinced that this is the most beautiful and most complete improved, close-in residence district in Portland. Phone for appointment to visit Laurelhurst.

LOCATION.

Right in the center of the best East Side residence district. Is reached by the East Ankeny, Rose City Park and Montavilla carlines. Best car service in city.

PRICES AND TERMS.

Lots 50x100 at \$800 up. Terms: 10 per cent down, 2 per cent per month.

MEAD & MURPHY

Sole Agents,
522-6 CORBERT BUILDING.

FIRE STATIONS READY

Mount Tabor and North Albina to Have Latest Facilities.

Fire Chief Campbell announced yesterday that he will soon put into commission the new fire stations at Mount Tabor and North Albina. He has secured fine new fire horses, which will be introduced to active duty in the department as soon as they can be broken in.

Bed Ridden Six Months

Mr. E. A. Lindsey, knows what it is to suffer from kidney disease; he was laid up completely for over six months. His letter telling how he was cured by

WARNER'S SAFE CURE

the world's best remedy for the kidneys and liver, will be of great interest to thousands of other sufferers.

"I feel it my duty to express my appreciation of the wonderful benefit I received from taking Warner's Safe Cure. It cured my case of inflammation of the bladder and prostate gland, and was in bed for over six months. After taking seven bottles of Warner's Safe Cure I am now back to my normal health. I think Warner's Safe Cure a wonderful medicine, and will always recommend it."—E. A. Lindsey, 216 Walnut St., Portland, Ore.

Of all the ills humanity is heir to, nothing is more to be feared than that one caused by diseased kidneys, because such ailments invariably come on so stealthily that you are seldom aware of their presence until they have actually spread dangerous disease throughout the system.

If you rise in the morning with dull, aching pains at the bottom of your back, or feeling as though your night's rest has not refreshed you; if you are weak, depressed, nervous, irritable; if your head aches, spots appear before your eyes, or noises ring in your ears; if your appetite is poor, your thirst excessive, your urine scanty and your complexion sallow; if you have indigestion, biliousness, or rheumatic pains and have lost flesh rapidly—if you have any of these symptoms you may be sure kidney poisons exist in your blood, and you cannot possibly get well until they are removed.

Nothing good, nothing can cure half so quick as Warner's Safe Cure. It has a steady yet persistent restoring action on the kidneys and brings perceptible relief almost immediately.

Warner's Safe Cure is made of medicinal roots gathered at the proper season in various quarters of the globe. Men skilled in pharmacy and chemistry compound it. It is pleasant to take and is sold in 25-cent, 50-cent and \$1.00 sizes and sold by all druggists.

Constipation and Biliousness

WARNER'S SAFE PILLS for constipation and biliousness, purely vegetable, sugar-coated, absolutely free from injurious substances, are a perfect laxative. They do not gripe or leave any bad after effects. 25 cents a package.

Sample Bottle and Box of Pills Free

To convince every sufferer from biliousness of the kidneys and liver of the merits of WARNER'S SAFE CURE, a sample bottle and also a sample of the pills will be sent FREE OF CHARGE, postpaid, to any one who will write WARNER'S SAFE CURE CO., Rochester, N. Y., and mention having seen this liberal offer in the Oregonian. The genuineness of this offer is fully guaranteed by the publisher.

SIMPLY SPLENDID TO BREAK UP A COLD

Try this common sense treatment just before going to bed, and quickly get rid of sore membrane, discharge of mucus, crusts in the nose and that feverish condition. It does not excite the system. Into a bowl three-quarters full of boiling water, pour a teaspoonful of HYOMEI (pronounced "I-high-oh-mey") cover head and bowl with towel and breathe the soothing, healing vapor for five minutes.

HYOMEI IS GUARANTEED

For Coughs, Colds, Croup, Catarrh, Sore Throat and Catarrhal Affections. If these troubles, your money back.

This is known as the HYOMEI vapor treatment, and is being used more and more by people who have discovered the folly of swallowing nauseating drugs to cure an inflamed condition of the mucous membrane of the throat.