ON LAW PLANNED

Foes Would Invoke Referendum on Malarkey's Public-Service Commission.

CHARTER IN FIGHT, TOO

Opponents Aim to Have People Vote at Next Election to Obtain Local Body Instead of State-Wide Board.

Efforts to obtain the referendum as applied to the public utilities adopted recently by the State Legislature and the adoption at the coming city election of an amendment to the Portland charter to provide for the creation of a local commission are said to be contemplated by enemies of the new

The question being asked by many concerns the position of the City of Portland in case the amendment to the charter is adopted at the coming city election. Lawyers agree that the state law would prevail in the end and that no amendment to the city charter could nullify the mandatory edicts of the state law. But it was declared by the friends of Dan Kellaher, who fought the bill in the Legislature, that he was going ahead with his proposed plan to submit an amendment to the city charter.

Step Termed Illegal.

"It will be absolutely litegal," said Sen-ator Malarkey. "The state law will be the law for Portland. It matter not what the vote may be, should it he what the vote may be, should it be submitted and I do not think that op-ponents of the state law would be foolenough to submit such an irregu-

Fulton said that he had read the law, knew nothing about it and would not like to express an opinion as to the merits of the measure until he

The Malarkey bill provides for the State Railway Commission to have contpol of the street railways and interurban lines of cities in the state. It provides for almost absolute jurisdiction, and is the power which will interpret franchises granted to transportation corporations that operate within the city limits.

Home Rule Foes' Basis.

The opposition to the measure bases its contention on the theory of home rule. It was argued that the people of Portland should have the final say as to o should control their streetcar lines. Wisconsin has for several years sucsessfully and satisfactorily regulated and centrolled all public service corporations of every kind in the state by and through a state commission of three members, one of whom recently was appointed to fill a vacancy upon the United States Interstate Commerce Commission," said Senator Malarkey. "The City of Milwankee in the State of Wisconsin is much larger than our Portland and Wisconsin has many cities and towns outconsin has many cities and towns out-side of Milwaukee that are larger than anything we have in Oregon outside of Portland.

Larger States Use Plan.

"In like manner all public service corfactorily and controlled by one state Although the Council's order was to place the new femder on all cars having airbrakes. Noth Carolina, Virginia, Vermont and Nevada. All these states but the last two, are larger than Oregon. There is no more reason for Portland to be exempted from the jurisdiction of a state commission in Oregon than there was or is for the leading cities in these other states to be exempted. The situation in New York, which is sometimes quoted as a precedent for the Fortland Commission, has been misrepresented by some and misquoted by others. The New York Legislature divided the state into two districts and provided separate commiscommission generally composed of three members in Georgia, Maryland, New mbraces New York City and the other embraces New tora City and the obligation district embraces the remainder of the state, but both commissions have the power and the prestige of the entire state behind them and are co-ordinate and co-operate in their workings.

Logic Is Attacked.

"There was no special reason for the creation of a separate commission for Greater New York. The commission took over the work of building subways from the Rapid Transit Commission and incidentally there was given to a Republican administration a patronage connected with the expenditure of millions of dollars formerly enjoyed by Tammany Hall. Regardless of that reason, it is presumptuous to say that because the City of New York with its 4,000,000 people has a separate commission, the people has a separate commission, the City of Portland needs one."

WIFE DENIED ADMITTANCE

Citizen's Papers May Be Denied Barber on That Account.

Because his wife has a disease of the

and that it is largely to escure her admittance that Vintrilla is seeking papers, did not develop at the hearing, but Immigration Inspector Hazard says he has the proof of her attempts to enter the country, once in disgulactif Vintrilla secures citizenship papers, his wife also becomes a citizen, and may come into the country in spite of the protest of immigration officials. It is for this reason that Vintrilla's papers may be denied. He is earning between \$30 and \$125 a week, it is said. He is a mative of Italy.

Fender "Joker" Found.

Fender "Joker" Found.

"Later their attorney submitted to the City Council an ordinance containing a "joker which would have eliminated the air-controlled fender from about half of the Red Cross Society of the air-controlled fender from about half of the Red Cross Society of the air-controlled fender from about half of the Red Cross Society of the air-controlled fender from about half of the Red Cross Society of the air-controlled fender from about half of the Red Cross Society of the air-controlled fender from about half of the Red Cross Society of the air-controlled fender from about half of the Red Cross Society of the air-controlled fender from about half of the Red Cross Society of the air-controlled fender from about half of the Red Cross Society of the air-controlled fender from about half of the Red Cross Society of the air-controlled fender from about half of the Red Cross Society of the air-controlled fender from about half of the Red Cross Society of the air-controlled fender from about half of the Red Cross Society of the air-controlled fender from about half of the Red Cross Society of the air-controlled fender from about half of the Red Cross Society of the city, the Salvation Army and other chargest with new red with restrict the assistance of the Red Cross Society of the city, the Salvation Army and other chargest with new red with restrict the air-controlled fender from about half of the Red Cross Society of the city, the Salvation Army and other chargest with new red in a letter which I reactived from R. E. Bray. We of wealthy Portland the air-controlled fender from about half of the Red Cross Society of the city, the Salvation Army and other chargest with new red in a rectangly the section of the Red Cross Society of the city, the Salvation Army and other chargest with new red in a rectangly the section of the Red Cross Society of the city, the Salvation Army and other chargest with new red in a restance of the Red Cross Society of the city, the Salvation Army and other

MEMBERS OF ELKS' 1912 CONVENTION COMMITTEE WHO ARE HUSTLING SUBSCRIPTION LISTS.



SETCHAM JR.



Railway Has Not Ordered Appliances for Cars.

TIME EXPIRES NEXT JULY

Official of Company, Safeguard of Which Is Accepted, Blames Power Company for Long Delay. Four Months Needed.

Responsibility for delay in equipping the air-controlled cars in use on the streets of the city with the Nelson style of fenders, as adopted by the City Council last October, is placed upon the Partland Railway, Light & Power Company by F. A. Nelson, vice-president of the American Automatic Fender Company, which manufactures the Nelson fender.

SENATOR SELLING TRIES TO GET

FUNDS FOR CHINESE.

One Man Responds to Chamber of Commerce Call by Giving \$10. Although the Council's order

Because his wife has a disease of the eyes and has three times sought in vain for admission to the United States. Agostino Vintrilia, a barber, may be denied United States citizenehip papers. Vintrilia's is the old, old story of one spouse being admitted to the United States, and the other heing barred because physically unsound.

Vintrilia appeared in the State Circuit Court resterday to secure his second citizenship papers, but because one of his witnesses had not known him for five years, as required by law, he did not succeed.

The fact that Vintrilia's wife has rought admission to this country, and that it is largely to escure her admittance that Vintrilia is seeking papers, did not develop at the hearing, but Immigration Inspector Hazard says he has the proof of her attempts to enter the country, once in disguise. If Vintrilia secures citizenship papers, his wife also becomes a citizen, and may every late the country in spite of the country late of the passage of that ordinance.

Fender "Joker" Found.

Fender "Joker" Found.

casions, that safety appliances, such as sirbrakes and safety fenders, are needed,

ever. "Our fender is far from being an ex-"Our fender is far from being an experiment. It is simply a combination of the airbrake cylinder and the standard projecting fender, both of which have been recognized for 10 years as safety devices of the highest type. The fender is new, but the working principle is old, and the device itself has been indorsed and approved by the best mechanics and safety appliance experts in the United States. In addition to that, it has been tested thoroughly in more than 90 days' actual passenger service on the streets of Fortland, and has been especially designed and constructed for this city.

"At present six other cities are walt-ing for demonstrations of this air fend-er, but in accordance with a promise given to the Mayor and City Council given to the Mayor and City Council we propose to remain in Portland until this subject is settled."

Donations Are Urged.

Out of all of the letters sent out by the Portland Chamber of Commerce to the various persons engaged in the exporting business and those likely to give something out of their surplus funds for plague and famine-stricken. China, one man responded by giving \$10. He not only gave the \$10 but carried it himself to the secretary of the Chamber, with the remark that he "was not in business, but felt so sorry for the starving in China, that I feel compelled to hand in my donation."

That was several days ago. So far nothing more has been contributed to the Chamber of Commerce. Senator Selling, hearing of the lethargy in the matter of donations, started out just as soon as he returned from the state Senate to put some energy in the dampaign.

Yearerday, he called upon several Out of all of the letters sent out by

The officials of the Portland Railway.
Light & Power Company are alone responsible for the delay," he continued "The air-fender ordinance was passed by the City Council October 12, and went into effect November 24.

"The only reason so far advanced for this refusal is a statement to the effect that the fender company refused to make good on the price quoted previous to the passage of the ordinance.

"We quested a special price of \$2.50 each for the Portland fenders after ascertaining from the company itself the number of air fenders that would be required to equip the system. The price was made on the basis of at least 750 fenders.

Trial Order Refused.

"Trial Order Refused.

"The company then proposed to buy 200 fenders as a trial order at \$2.50 each, the street railway company then appealed to hand in my donation."

That was several days ago. So far nothing more has been contributed to the Chamber of Commerce. Senator Solling, hearing of the lethargy in the Sonate to put some energy in the campaign.

Testerday, he called upon several persons who might be willing by giving \$100 himself. The next donation was given by the Corbett estate, which also was for \$100. E. A. Wyld gave \$25, making a total of \$225 which, addictent sum from Portland.

"It is a shame that Portland does not give more," said Mr. Selling, "but I feel sure citizens of Portland will not be backward if they are properly approached. The people who are dying in China are human beings and they approached. The people who are dying in China are human beings and they approached. The people who are dying in China are human beings and they approached. The people who are dying in China are human beings and they approached. The people who are dying in China are human beings and they approached. The people who are dying in China are human beings and they approached. I be lieve that we have responded every time when called upon where distress was apparent.

"In China there is a condition which will produce a sufficient sum from Portland. I be lieve that w

"Other instances of lack of good faith oan be cited. In the first place, our company was assured by officials of the street railway company a year ago that it would proceed immediately with the equipment on its system of whatever fender was legalized by the City Council. Subsequently these officials urged the Council that the fender case be settled without further delay, as the company desired to have a legal fender on its cars.

"Furthermore, these same street railway officials declared to the City Council that while they believed the congested streets of Portland would make a projecting fender impracticable, they were willing to concede that this particular sir-controlled fender was especially suited to interurban cars, and that it would be a success in interurban service. At present they have before the Council an ordinance exempting interurban cars from the provisions of the six fender ordinance and we have charitable organizations to co-operate in a movement to raise a fund for the relief of famine sufferers in China. He joins with Senator Selling's plan to give \$199

"I heartily indorse Senator Selling's proposal to be one of several to contribuate 100 for the famine sufferers of China," said the Mayor. "It is the right thing to do. I also request the assistance of the Red Cross Society of the city, the Salvation Army and other charitable societies of recognized standing to aid in raising a creditable sum, as suggested in a letter which I received from R. E. Bray. We of wealthy Portland should do well by this fund, and I hope immediate action may be had, to the end that the needy may be relieved."

Canvass for Entertainment Fund Adds \$3265 In Single Day.

CAMPAIGN GROWING WARM

Chairman Finds Many Who Have Not Yet Reported and Some Districts Not Canvassed-Kangaroo Court to Be Invoked.

Several additional committees of the Several additional committees of the Elks' 1913 campaign reported collections amounting to \$3365 to Treasurer Van Schuyver. A number of the committeemen, when turning in their collections, announced that they regretted their inability to have joined in the canvass seoner, but gave press of business affairs as the excuse. All, however, agreed to busy themselves with the canvass during the early part of this week. this week. campaign managers are confi-

dent that the money required will be raised, but they are not certain when the complete amount can be announced. because of the failure of a number of committees to make any kind of a report, and of others who have made report, and of others who have made but meager or impartial reports of their soliciting. If all the committeemen will get busy and devote one antire day to the canvass the work can be cleaned up in short order, according to the officials in charge of the Elks' campaign.

Henry E. Reed, secretary of the campaign committee, yesterday announced that he would issue notices for a meeting of the general committee within a few days, and he will request each member to be on hand with a complete report at that time, If the amount subscribed at that time does not

plete report at that time. If the amount subscribed at that time does not amount subscribed at that time does not meet requirements, all committees falling to turn in complete canvasses will be instructed to work until their respective districts have been covered thoroughly. As an evidence of the failure to cover the districts a number of persons desiring to contribute to this fund have called up The Oregonian asking when they were to be seen.

The subscription list now has over \$34,000, exclusive of the donation of the Portland lodge, and the committeemen who have been lax in their canvasting and who have failed to report progress are likely to face the famous Elks' "kangaroo court" at the next meeting of the lodge. The holding of these sessions are always fruitful of a great deal of merriment to the members of the order, and all the committeemen who do not care to be made the butt of the jokes and the victims of the court fines are warned by the officials to get busy with their lists and make a report before the next regular meeting of the lodge on Thursday night.

"This has made us determined to engage more extensively in this class of pacifics in this city in handling it north and south." All our passengers will be allowed a stopover of a day or two in Portland." Mr. Foster reports excellent results from the Canadian Pacific's immigration methods practiced in Western Canadapitals. The railroad clears a piece of land, builds a house and barn, stocks it and supplies it with implements, and puts it out in its first year of grain. The colonists are given about ten years in which to pay for the land and the improvements. Most of this kind of land is under irrigation and is of big value from day night.
The canvass up to date includes the following subscriptions:

Proportion of the contract of	0.498.50
Previously acknowledged	20,00
Perry C. Dinies Co.	20.00
Mr. Otnobelmar	200,00
Bush & Lane Piano Co	20.00
Etters Music House	150.00
Lisharitar Lucas Co	10.06
Sherman, Clay & Co	100,00
Graves Music Co	40.00
Hovenden Plane Co	10.00
Wiley B. Allen Co	20.00
Read-French Plano Mfg. Co	20.00
Cote Plane Mig. Co	20.00
W. H. Lank	10.00
Sidney S. Lathrop ,	25.00
J. N. Biair	10.00
In H. Balley	100.00
Previously acknowledged. 55 Perry C. Graves Co. 5 Soule Bros. H. Sinshelmer Bush & Lane Piano Co. Ellers Music House Lieberling Lucas Co. Graves Music Co. Hevenden Piano Co. Wilsy E. Allen Co. Cote Piano Mfs. Co. Cote Piano Mfs. Co. WH. Laux Sidney S. Lathrop J. N. Blair L. R. Balley Morgan, Filedner & Boyce E. W. Hellman L. A. Stephens Monroe Goldstein	5.90
M. A. Stanhana	25.00
Morroe Coldstein	25.00
McCante Stowart	25.00
Charles J. Jacobs	25.00
Lawyers Abstract & T. Co	13.00
R. E. Smith . characters	10.00
O Kettenbach	10.00
Leo P. Shehan	25,00
Mt. Scott Cemetery Co	50.00
W. L Cole	5.00
Herman Metager	20.00
Baltimere Lunch Co	30.00
Castillan Grille	20.00
E. House Co	10.00
P. L. Inompson	25.00
H. M. Moore	30.00
W. R. Johnson	25.00
Down! Bakery & Confectionery	150.00
IN Y Danies	10.00
Oragonian Restaurant	80.00
L. E. Juston	100.00
Read & Metager	30.00
The Hot Bran	250.00
John E. Meister	35 00
Posriess Cafeteria Co	75.00
Jon R. Fultz	80.00
Grussi & Zadow	5.00
L. J. Shell	20.00
Concordia Fire Int. Co	18.00
Harvey Wells	50.00
Ed committee	50.00
Nethors Decthers	25.00
Emil Schacht	25.00
P T Jones	26,00
M E Freeman	25.00
F. E. Manchester, Lyle, Wash	25.00
R. L. Ray	25.00
A. J. Brock	10.00
Bay Bros	50.00
L. Henrichsen & Co	70.00
1 Aronson	50.00
F. Abendroth	100.00
F. Friedlander	100.00
G. Heitkemper Co	50.00
Letter Bros.	75.00
Y W Berne Co	30.00
Singlety & Ross	60.00
tr & Porting	50,00
A A C. Feldenhelmer	125.00
Mrs. T. Grossman	80.00
Fred D. Flora	5.00
W. F. Ross & Co	10,00
Mark & Bloch	20.00
Jacger Bros	50.00
S. Mendelshon & Co	25.00
Henry Fleckenstein & Co	50.00
E. W. Spencer	20.00
I. N. Blair L. R. Balley Morgan, Filedner & Boyce. E. W. Hellman E. A. Stephens Monroe Goldstein McCants Stewart Charles J. Jacobs Lawyers Abstract & T. Cor. R. E. Smith O. Kettenbach Leo F. Stehan Mt. Scott Cemetery Co. W. I. Cole Herman Metager Baltimore Lunch Co. Castillan Gerille E. Horse Co. P. L. Thompsen R. H. Moore W. R. Johnson W. H. Donahoe Royal Bakery & Confectionery E. J. Ssem Oregonian Restaurant L. E. Juston Read & Metager The Hof Bran John E. Melster Peeriess Cafeteria Co. Joa. R. Fults Grunsi & Zadow L. J. Shell Concordia Fire Ins. Co. Harvey Wells Ed Schmidt Blunden & Greenberg Friberg Brothers Emil Schacht F. J. Jones M. E. Freeman F. E. Manchester, Lyle, Wash R. L. Ray A. J. Brock Bay Bros L. Henrichsen & Co. L. Aromson P. Abendroth P. Friedlender G. Heitkemper G. Heitkemper G. Heitkemper G. Heitkemper G. Heitkemper G. Heitkemper M. E. Tores M. E. Tores M. E. Tores M. T. Grossman Fred D. Flora W. F. Ross & Co. Marx & Bloch Jacger Bros L. W. Henns Co. Sinciair & Boss H. A. Fortes A. & C. Feldenheimer Mrs. T. Grossman Fred D. Flora W. F. Ross & Co. Marx & Bloch Jacger Bros L. W. Spencer Esmond Hotel Paul Van Fridagh	25,00

LIND ESCAPES WITH FINE

Patrolman Royle's Trio, Caught Sunday Night, Get Into Court.

F. C. Lind, one of three arrested by Patrolman Royle at Merrill's Hall, late Sunday night, escaped with a fine of \$15 in Municipal Court yesterday, while his companions were assessed \$10. Royle attempted to arrest G. Erickson, who was drunk and disor-derly, and Lind and Herman Sember, an employe of Marx & Bloch Interderly, and Lind and Herman Sember, an employe of Marx & Bloch, interfered. When placed under arrest, Lind refused to go in the patrol wagon and demanded to be allowed to ride to the station in his automobile. Royle was obdurate and compelled the influential citizen to take his place in the wagon. Lind was disposel to appeal the case, but when he found that in that event the fine would be increased to \$50, decided to accept the lower penalty.

for funds today to carry out the part the East Side is to take in the Rose Festival. The territory has been divided into three districts—East Burnside, East Morrison and Hawthorne avenue. E. R. Gelinsky, Louis Gevurts and W. H. McMonles form the committee to look after the East Burnside district and C. A. Bigelow, H. A. Calef and C. C. Hall for the central or East Morrison district. The committee for the Hawthorne district has not yet been appointed and that part may be assigned to the East Morrison committee.

be assigned to the East Morrison committee.

Last year \$1400 was raised for the East Side display, and nearly all the fund was used in paying for decorations, building the stands on Grand avenue, for premiums and drilling children for the parade.

One day of the Festival will be assigned to the East Side in the week. Some of the features of last year on Grand avenue will be retained this year, but enlarged and changed. The general plans for the day will be taken up at the next meeting of the club, when a committee of arrangements will be appointed.

Multnomah Camp No. 77, Woodmen of the World, with a membership of nearly 2000, will assist in the Festival plans. J. O. Wilson, clerk of the lodge, said that he was confident that the camp will lend its aid in making the East Side feature one of the most important in the Festival.

CANADIAN PACIFIC TO ROUTE FROM CALIFORNIA.

Railway Seeks Large Part of Business and Will Give All Stopovers in Portland.

To route thousands of California toursts through Portland into Canada is the elaborate scheme that C. B. Foster, general passenger agent of the Canadian Pacific Railway, who was in the city yesterday, has in mind and which he lopes to work out on a trip to the southern state for which he started last

night. This is the first attempt the Canadian This is the first attempt the Canadian Pacific has made actively to engage in the tourist trade out of California.

"Whatever success we have in the matter," said Mr. Foster, will be shared by Portland, as this city is the gateway that leads from California to the great Northwest and to Canada. We tried it in an experimental way last year and were well pleased with the results. We had but one train out of California, yet everyone went home well pleased and we have heard many inquiries from the same source this year.

same source this year.
"This has made us determined to engage more extensively in this class of business, exchanging with the Southern Pacific in this city in handling it north

under irrigation and is of big value from the start. It attracts a desirable class of immigrants from England, Eastern Canada and Eastern and Central United

There was a great increase last year, reported Mr. Foster, of the number of colonists from the Eastern Canadian provinces and from certain parts of the United States to the southwestern provinces. A great rush already has started this year.

Canadian people have acquired the habit of spending a part of each Winter along the Pacific Coast of the United States. Many of them come to Portland to remain all Winter, returning to their own homes for the more agreeable weather of the Summer.

Mr. Foster was accommanded on the second

own homes for the more agreeable weather of the Summer.

Mr. Foster was accompanied on his trip to Portland by H. W. Brodle, general passenger agent with headquarters at Vancouver, and R. G. McNeillie, district passenger agent at Calgary.

ANDREW J. FREEMAN DEAD

Victim of Grip Succumbs When Recovery Seems Near.

Andew J. Freeman, formerly in the dairy business in East Portland, died at his home, 766 Gantenbein avenue, at noon yesterday. He had just recovered from an attack of grip, and had a sink-ing spell at noon. He had been suffer-ing for several years with Bright's

Mr Freeman was well-known in Port-land, having been in the dairy business in Highland, just east of Beech street, before the section was built up. He

before the section was built up. He retired in the 90's.

He was born at Vicksburg, Miss., May 21, 1842, and came across the plains in 1885. He spent about two years at the mines in the Boise Basin, and then came to Oregon. He settled first on Suavie's Island, moving then to Portland. He married Miss Julia A.

Morgan, January 5, 1870.

He is survived by the widow, three sons and a daughter, Mrs. Mary F. Richardson of Coeur d' Alene Place, near Los Angeles, Cal. The sons are William M. Edward Band Franklin A. The letter is assistant cashler of the The latter is assistant cashler of the Lumbermens National Bank.

EAST SIDE DEPOT URGED

Business Men Ask General Manager O'Brien for Freight Station.

The East Side Business Men's Club has taken up the subject of obtaining a freight depot for the East Side, but definite plans will not be made before the return of General Manager O'Brien, of the O.-W. R. & N. Company.

A letter was addressed to Mr. O'Brien last week, setting forth the need of freight facilities for the warehouse district. C. G. Sutherland, assistant manager, in reply, said Mr. O'Brien will no doubt take up negotiations for the freight depot on his return.

Warner Dorges, president of the club, has gone over the ground and urges speedy action. He will call a special meeting of the East Side Business Men's Club to consider the subject as soon as Mr. O'Brien returns to Portland. The East Side Business Men's Club

Elgin Jeweler Weds Miss Yeck. BLGIN, Or., Feb. 20.—(Special.)—Another couple became the victims of cupid; this time Levi Parks, an Eigin jewefer, married Miss Mattle Yeck, the wedding taking place February 5.

PNEUMONIA FOLLOWS A COLD FESTIVAL CANVASS BEGINS

But never follows the use of Foley's Honey and Tar, which checks the cough and expels the cold. M. Stockwell, Hannihal, Mo., says, "It beats all the remedies I ever used. I contracted a bed cold and cough and was threatened with pneumonia. One bottle of Foley's Honey and Tar completely cured me." No opiates, just a reliable household medicine, Sold by all druggists.



Makes Home Baking Easy

Royal Baking Powder helps the housewife to produce at home, quickly and economically, fine and tasty cake, hot biscuit, puddings, the frosted layer cake, crisp cookies, crullers, crusts and muffins, fresh, clean, tasty and wholesome, with which the ready-made food found at the shop or grocery does not compare. Royal is the greatest of bake-day helps.

BOYAL COOK BOOK-800 RECEIPTS-FREE

Send Name and Address.

ROYAL BARING POWDER CO. NEW YOR

City May Not Enforce Vehicle Tax Ordinance.

COURT POSTPONES HEARING

Examination to Be Made for Alleged Defects and if Found Actions Will Be Dismissed and New Measures Framed.

Flaws alleged to be in the new ve-hicle tax ordinance, which the Counhicle tax ordinance, which the Council recently passed, caused Deputy City Attorney Benbow, representing the city. Yesterday to ask Judge Gantenbein to suspend the hearing of the injunction case against the city until today, to permit him more carefully to study the law. Mr. Benbow explained to the court that he would not go on with the case in the face of the evident flaws in the ordinance, unless he found that

case in the face of the evident flaws in the ordinance, unless he found that they had been misstated to the court. The sentiment expressed by Mr. Benbow was to the effect that the city would probably give up proceedings in the case against it, and would pass a new ordinance with the flaws removed. This is the third time that the city has tried to enforce a vehicle ordinance, and from Mr. Benbow's statements yesterday it is quite certain that he is of the opinion the latest ordinance is just as invalid as those which have preceded it

Grocers objecting to the ordinance passed previous to the one now in liti-gation, brought suit to keep the city from enforcing it, and took the case to the State Supreme Court. It was de-cided by the Supreme Court that the ordinance was not valid, as it failed to tax certain vehicles used on streets. It was the intention of the city to pass an ordinance that would correct the weak was the intention of the city to pass an ordinance that would correct the weak points found by the Supreme Court in the previous law, but Mr. Benbow explained to the court that after he had prepared the ordinance so it would conform with the requirements of the Su-preme Court it had been changed by

some one else.

Attorney E. R. Ringo, representing a large number of persons opposing the new ordinance, called attention to the weak points in the law when the case was being heard yesterday. He showed that the new law omitted automobiles, which it had been held were ilcensed the previous of another ordinance. which it had been held were licensed under the provisions of another ordinance, but Mr. Ringo pointed out that the license of automobiles consisted of but \$1 and was not in proportion to the other vehicles that used the streets. At this point, Mr. Benbow interposed and said that he believed that if the ordinance was as represented the city would not try to enforce it, and he asked for a postponement of the case until this morning, that he might have time to familiarize himself with the relative fees charged for automobiles and the fees provided in the new ordinance for other vehicles.

"It is not the intention of the city," said Mr. Benbow, addressing Judge

"It is not the intention of the city," said Mr. Benbow, addressing Judge Gantenbein, "to be partial in charging fees, for the city is not going to impose a greater burden on some people than on others, and if the conditions are as represented, we will withdraw the ordinance and frame a new one. This matter has been decided once by the Supreme Court, and we are not anxious to go to the expense of defending a weak ordinance which would lose in the higher court."

Although the court has made no order to restrain the city from enforcing the

to restrain the city from enforcing the new ordinance, it has been agreed on the part of the city that its provisions should not be enforced until the court renders a decision.

PERMIT MISTAKEN FOR KNOT. Couple Married at Once, Learning Error After Six Months.

Belleving that a marriage license was s marriage certificate and that they were lawfully married when the license was issued. Michael Calabris and Livi

was issued, Michael Calabris and Livi Antoniola lived together since August 19, 1910, until they discovered yesterday that they were not married. They hurried at once to the Courthouse to make inquiries, and were advised to get married immediately. Judge Cleeton performed the ceremony.

"Since I have been in this office," said County Clerk Fields yesterday, "there have been about 50 couples who have made the mistake of thinking that the marriage license was a certificate, and it was for that reason that I went before the Legislature and asked that a bill be passed requiring all County Clerks to endeavor to find what has become of all licenses not returned to them within 30 days after being Issued. "I am glad that the Legislature has "I am glad that the Legislature has passed the bill, for it will tend to prevent mistakes of this nature. This couple coming here today, previously living together under the assumption

that they were married, shows what good can be done to search for missing licenses. I have been doing this constantly, although the law did not require it. Had these persons not received a letter from my office asking the their license was not returned. why their license was not returned they might have lived together for years and left property interests in a tangle, and the injustice to their off-spring would have been lamentable."

NINTH HUSBAND RESPONDS

Indian Denies That He Married Woman Only for Money.

Nicholas Ghangraw, the ninth husband of Ellen Ghangraw, who is suing for divorce, filed an affidavit in his own behalf yesterday, denying that be had deserted her or that he had married her for her money. Both are Indians, formerly of the Umarilla reservation.

ly of the Umatilla reservation.

In concluding his affidavit, Ghangraw swears "that I have no money; that I have been ill for the last two weeks and am still suffering and unable to do a day's work. That the plaintiff can do with her property whatever she pleases, that is her business, but she is my wife.
"I married her in good faith, and I don't think the court should be imposed upon by persons bringing divorce proceedings who have no just cause to

FENCES TO BE REMOVED

Permanent Injunction Forbids Bots

tling Government Range. William Jones and the Harney Valley Development Company consented in Federal Court yesterday morning that Judge Bean sign an injunction forever restraining them from erecting or maintaining fences about the public range in Harney County. With the signing of this injunction all the suits against Jones and the company are finally disposed of.

The stock barons from whom Jones

and the development company secure their land, had used a rimrock and a circle of 40-acre tracts to enclose \$3,-000 acres of Government range. Upon these tracts they had erected a fence.

The Government brought both criminal actions and civil suits to have the fence torn down. William Hanley was convicted in the lower courts, but the United States Circuit Court of Appeals recently reversed the decision on the United States Circuit Court of Appeals recently reversed the decision on the ground that Judge Wolverton's instructions to the jury were in one point illegal. Jones was convicted and fined

\$500 and costs. Jones represented that the fences have now been abated, and when he and the company consented to the reand the company consented to the re-straining order United States District Attorney McCourt consented to allow the case to rest. If the Government land is acquired by the defendants in suits the injunction is to be dis-

SCALES BROKE OUT ALL OVER HER BODY

Scalp Affected, Hair Began to Fall. Hands So Disfigured She Had to Wear Gloves All the Time. Two Hospitals Unable to Assure Cure.

First Application of Cuticura Soap and Ointment Allayed Itching. Psoriasis Has Disappeared.

"Allow me to say a few words in praise Allow me to say a lew words in praise of the Cuticura Remedies. About three years ago, I was affected by white scales on my kness and elbows. I consulted a doctor who treated me for ringworm. I saw no change and consulted a specialist and he ciaimed I had psoriasis. I continued treatments under him for about six months until Lew scales breaking out all over my body. ments under him for about six months until I saw scales breaking out all over my body save my face. My scalp was affected, and my hair began to fall. I then changed doctors to no avail. I went to two heapitals and each wanted to make a study of the case and seemed unable to cure it or assure me of a cure. I tried several patent medicines and was finally advised by a friend who has used Cuticura on her children since their birth, to purchase the Cuticura Remedies. I purchased a cake of Soap, the Ointment and the Resolvent. After the first application, the liching was allayed.

"I am still using the Soap and Ointment

"I am still using the Soap and Ointment "I am still using the Soap and Cintment and now feel that none other is good enough for my skin. The psoriasis has disappeared and I everywhere feel better. My hands were so disfigured before using the Cuticura Remedies that I had to wear gloves all the time. Now my body and hands are looking fine." (Signed) Miss Sara Burnett, 2135 Fitawater St., Philadelphia, Pa., Sept. 30, '10. Cuticura Soap (25c.) and Cuticura Cintment (50c.) are sold throughout the world. Send to Potter Drug & Chem. Corp., sole props., 135 Columbus Ave., Boston, for free book on affections of the skin and scalp.