

COURT HOLDS CARS LOSE BRIDGE RIGHT

Judge Gantenbein Decides Franchise Died When Madison Span Was Razed.

30-DAY STAY IS ALLOWED

Old 30-Year Grant Not Good on New Hawthorne - Avenue Structure. Quo Warranto Proceedings by Grant Win.

Circuit Judge Gantenbein decided yesterday afternoon that the Portland Railway, Light & Power Company has no franchise entitling it to operate cars across the Hawthorne bridge. He found that the franchise of the Mount Tabor Street Railway Company and its assigns expired upon the construction of the old Madison-street bridge. Judge Gantenbein granted a 30-day stay in the entering of judgment. In the meantime the board of directors of the company will decide whether to apply for a new trial or prepare a bill of exceptions with the view of taking an appeal to the Supreme Court of Oregon.

Highest Court May Act.

The case, it is believed, may go to the Supreme Court of the United States eventually, one of the alleged Federal questions involved being the right of a municipality to disturb or impair vested rights. A basis for such a possible appeal was laid by the defense in its pleadings and in the trial of the case. Deputy City Attorney Benbow, who handled the case for the plaintiff, Frank Grant, declares that even if the controversy does go to the highest court in the United States, the chance of reversal is slight, the authorities indicating that the decision as it stands would be upheld.

Judge Gantenbein's decision was handed down in the case of the State of Oregon, with relation to Frank Grant, against the Portland Railway, Light & Power Company. Mr. Grant in his capacity as a citizen and taxpayer of Portland, and not as City Attorney, brought a quo warranto proceeding in the United States court to know by what right the company operated its cars across the bridge. He operated under a state law which permits a taxpayer to bring such an action in the name of the state when there is reason to believe that a person is unlawfully holding an office or a corporation illegally exercising franchises.

Plan of Suit Upheld.

Quo warranto (by what right) has hitherto been used, however, almost exclusively to test the rights of public officers to hold their positions. Mr. Grant's use of the remedy was much in the nature of an innovation. The company questioned the propriety of its use on demurrer, but was overruled.

The controversy was given rise to by the adoption of an amendment to the city charter providing for the issuing of \$400,000 of bonds for the construction of a new Hawthorne or Madison-street bridge. Incorporated in the amendment was a provision that the street railway company should pay a certain percentage of the cost of the bridge. The amendment was passed by the city council on November 12, 1901, a 30-year franchise across the Madison-street bridge was granted to the Mount Tabor Street Railway Company, of which the Portland Railway, Light & Power Company is a successor. This franchise provided for the payment of \$100 a month to the city and according to its terms, would continue until November 12, 1931, or within a few years of the ten years after the opening of the Hawthorne bridge was put into operation.

Company's Move Anticipated.

It was anticipated in the City Attorney's office that the company would claim the right to use the new bridge under the franchise granted the Mount Tabor Street Railway Company and the company was accordingly notified. The company, however, not wishing to delay traffic, stipulated with the company that it should run its cars over the bridge at the old rate until the controversy was adjusted in the courts. City Attorney Grant did not wish to take the defensive, however, and started the quo warranto proceeding, placing the company in that position.

Suits for Tolls Likely.

Had the previous plan prevailed, the company would have been forced to put up a bond guaranteeing payment to the city. If it lost, the amount accruing under the Hawthorne-bridge charter amendment. As the case stands now, should the company lose in the courts of final adjudication, a long and tedious civil suit might be necessary to collect back tolls.

The most vital issue in this case, it appears to me," said the judge in giving his decision, "is whether the contract of November, 1901, contemplates or authorizes the Mount Tabor Street Railway Company to operate its cars over the new Hawthorne-avenue bridge. Ordinance 1134 and the contract made in pursuance thereof authorized the company and its assigns to cross said bridge with its cars. In language, it seems to me, shows that the intention of the committee was to structure known as the Madison-street bridge. This is especially true because of the fact that the Mount Tabor Street Railway Company had a right to operate over the identical structure, as the Columbia-Street Bridge Company could only grant a right to operate over the particular structure which it had built.

Right Goes With Bridge.

Necessarily the life of the Mount Tabor Street Railway Company contract to operate over the identical structure expired with the bridge. If another company had built the bridge it could not be contended that the Mount Tabor Street Railway Company had a right to operate over such bridge by reason of its grant from the Columbia-Street Bridge Company. A new contract would have been necessary under such circumstances.

"That it was never in the minds of either the committee or the Mount Tabor Street Railway Company that the company had a right to operate its cars over an entirely different structure

CRAMPED QUARTERS IN WHICH PORTLAND POLICE DEPARTMENT WILL BE HOUSED UNTIL NEW JAIL IS COMPLETED.



BUILDING AT FIFTH AND EVERETT STREETS, WHICH WILL BE OCCUPIED ABOUT MARCH 1.

SHOP PRO-TEM JAIL

Three-Story Place at Third and Everett Rented.

Police Dread Moving

Quarters to House Prisoners and Department Are Being Made Ready for Transfer—Old Cells to Be Used.

W. S. Smallwood, of the transportation committee of the Portland Chamber of Commerce, says that he expects to know certainly by Tuesday whether the merchants of Portland will be prepared to furnish the required tonnage of freight to warrant the Dodge Company in putting a steamship on the run from Portland to Alaska next May. Within the next few days he will confer with representatives of the Dodge Company and make all preliminary arrangements, pending upon securing the 200 tons of freight asked by the company.

ALASKA LINE MEETS FAVOR

Steamship Representative to Report on Subject Tuesday.

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COMMUTERS' FARES TO DROP

Persons who have occasion to use the Oregon Electric Interurban service will be able to obtain communication tickets at greatly reduced rates after March 1. W. E. Coman, general freight and passenger agent, yesterday announced that he has secured tickets which will be placed on sale at that date at rates approximately 30 per cent below the present rates. It will be necessary, however, for these tickets to be used within 30 days after they are sold.

POLK COUNTY COUPLE CELEBRATE GOLDEN WEDDING ANNIVERSARY.



MR. AND MRS. SELLERS AND FAMILY. DALLAS, Or., Feb. 10.—(Special.)—Mr. and Mrs. David Sellers, of this city, celebrated their 50th wedding anniversary at their home near Dallas on February 1. Mr. Sellers was born in the State of Ohio, November 29, 1815; Mrs. Sellers was born in the State of Pennsylvania, May 6, 1840. They were married at Independence, Ia., on February 1, 1862. On May 8, 1880, they arrived in Oregon and settled upon a farm located near Dallas, where they have since resided. Both are hale and hearty, and did fair to witness many more anniversaries of their wedding day. They have seven children, all living, and who are: Mrs. Alice Sellers and Carl Sellers, all of whom reside in the City of Dallas; Elmer Sellers and George Sellers, who live at home with their parents. All of the children were present at the celebration of their parents' golden wedding, as also were several grandchildren, who are: Gladys McBea, Albert Sellers, Mildred Sellers, all of Dallas, and Mrs. Benjamin Quinn, of Donald, Or. Mr. and Mrs. Sellers are well known throughout the County of Polk, and count among their close friends practically every pioneer of Polk County.

SHOP PRO-TEM JAIL

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Huddled in quarters still more cramped and unsanitary than the present city jail, which for a quarter of a century has been the butt of grand jury denunciations, the police department will pass the next six months, perhaps the next year, in an old building at Fifth and Everett streets. Everyone connected with the department is viewing the approaching disaster with dread. Patrolman Ed Burke, with a squad of men, is at work cleaning out the temporary quarters, and carpenters and other workmen will follow. The change will take place about the first of March.

ANOTHER CLUB RAIDED

Two Arrested as Gamblers at Place Reported by Tom Word.

Another alleged gambling establishment, the Beaver State Social Club, with headquarters at 27 1/2 Morrison street, was raided yesterday afternoon by Sergeant Smith, of the Police Department, and J. P. Nichols, Sheriff. The John Doe warrant was issued by Presiding Judge Kavanaugh. R. M. Davidson and J. P. Nichols, said to be the ringleaders in the management of the club, were arrested and lodged in the County Jail. Judge Kavanaugh fixed their bail at \$500 each. It had not been furnished at a late hour last night. The police took a table, two boxes of poker chips, five decks of cards and a bottle of whiskey at the Courthouse to be used as evidence.

GOVERNOR TO VIEW QUARRY

Having completed the introduction in Portland of his bills providing for a widespread good roads campaign, Governor West started last night for Clackamas, where he will inspect one of the rock quarries which has been suggested as suitable for the purposes of one of the proposed camps for convict labor. Tonight he will go to Hillsboro, where he is scheduled to explain his convict and good roads plans at a mass meeting. From there he will go to Salem. Later in the week the Governor will visit Hood River, The Dalles and other towns in that vicinity.

UMATILLA PROJECT REPORT PREPARED

Government Engineers Conclude Hearings and Inspection.

FINDINGS ARE KEPT SECRET

Chief Engineer Davis Says Majority Seems to Favor Extension—Broad-Minded Attitude of Pendleton Citizens Subject of Comment.

Having completed their investigation of the feasibility and practicability of the proposed west extension of the Umatilla reclamation project, the Board of Government Engineers authorized to make the investigation returned to Portland yesterday. None of the members of the investigating party would discuss their report or the recommendations it contains. The report was forwarded last night to the director of the Reclamation Service at Washington. The members of the party making the investigation were: D. C. Henny, consulting engineer; E. G. Hoppson, supervising engineer; H. D. Newell, in charge of the Umatilla project; Oliver E. Morton, examiner, and Arthur P. Davis, chief engineer.

Many Urge Extension.

The extension was urged by a great many citizens of Umatilla County, particularly the Commercial Club of Pendleton. Vigorous opposition was also presented by other residents of the same county on the ground that the proposed extension was not practicable and did not warrant the expenditure of the large amount of money that would be required to complete the project. It was to ascertain the facts that the engineers were directed to visit Umatilla County and conduct hearings in order to ascertain the actual conditions and more particularly the feasibility of the undertaking.

Majority of Witnesses Favor.

"Until the report of the Board reaches the director of the Reclamation Service at Washington, it is not permitted to disclose its contents, particularly the recommendations we have made to the department," said Mr. Davis, yesterday. "I will say, however, that although the proposed west extension of the Umatilla project is opposed by a great many people, a majority of those attending the hearings conducted by the board is in favor of the extension. "I was particularly impressed with the broad-minded attitude taken of the situation by a great many Pendleton people, especially by the members of the Commercial Club of that city. They were strongly in favor of the extension, although the project, if carried out, would subject the considerable amount of money which would be diverted for the irrigation of acreage many miles removed from Pendleton, and much of it to another county altogether. "Those who appeared before the Board in advocacy of the extension disclaimed any desire to urge by argument the expenditure of any money in this or any other project in which from an engineering and business standpoint the scheme was not deemed entirely wise and feasible."

WOMEN'S ADVANCE SEEN

Writer Confesses to Many Deplorable Parts of Corelli.

PORTLAND, Feb. 10.—(To the Editor.)—Poor Corelli! You get a lot of wholoping, don't you? Wouldn't you like a little appreciation sometimes? Now, I think that we women ought to forgive you a great deal because of that article, "Politics for Women," which appeared on the editorial page February 1.

At least we ought to be men enough to accept a just criticism of one of our much-misunderstood and much-abused sisters. I candidly admit that many of the uncomplimentary things said about them are true, and I most sorrowfully confess that Marie Corelli deteriorates with every book into greater diffuseness, verbosity and vapidity. When I was very, very young I read each book religiously as it came out; then as I reached years of discretion I missed a few. Not long ago I tried to wade through her latest ebullition, *Managed*, at last, to reach the end, after jumping over the most uninviting puddles of slush. And I didn't escape so hurriedly that I didn't learn that she still writes "those kind." After all these years! And her style, once mushy, is now the mushiest mush.

Though her novels formerly made a pretense of plot, the last diffusion is so spineless as a jellyfish. As to the thought, it can be obtained more advantageously from the manuals on occultism, if that is what one wants. If there is a foundation of truth in what she says, the most uninviting puddles of slush and fat food as to be utterly lost to the critically inclined. Compared with any of the recognized "lady writers" of the day, her technique is pitiable.

It is impolite of a newspaper to attack a lady that way? We women of this age cannot consistently expect to be kneed and proclaimed us perfect. We call that sort of thing "hot air" nowadays. Our knights are another kind. They will take us by the hand and say, "Come along, we'll walk the way of life together, you and I. We are both struggling toward perfection; we make mistakes, but we will get there by and by, side by side." Even now some of the female contingency refuse the seat of the tired laboring man on his way home at 6:30 on a crowded car. On the other hand, some of us pile our progeny on the seats, that it may enjoy the scenery while the weary breadwinner sweats on a strap, but we are patiently hoping for better things.

When I glanced over that article I thought, "Is it possible?" Then I read the end. Then I read the middle. Then I read the beginning, rubbed my eyes

ACHESON'S

The Portland tailors and manufacturers of Ladies' Suits, will tomorrow (Monday) in their retail store at West Park and Morrison streets place in effect their policy of retailing Ladies' Tailored Suits at wholesale tailors' manufacturing prices. Retail to you right from the tailors' hands to your back.

Opening Special

For Monday, Tuesday and Wednesday.
Regular \$25.00 blue Serge Norfolk Suits.....\$16.50
Regular \$27.50 tan Norfolk Suits.....\$18.25



If our supply of these garments does not contain your size number, your order for your size will be registered and one will be made for you—
WITHOUT EXTRA CHARGE. WITHOUT EXTRA CHARGE
Mind You! Think of It!
WITHOUT EXTRA CHARGE

We are tailoring and manufacturing Ladies' Suits in Portland. We know we are building garments equal to any in the land, therefore we confidently ask your patronage.

Our system and line of model-size garments are without a parallel in the West. Comprised of garments for the lines of different formed women—you will find some one that will come near being your shape, all right.

White Serge Norfolks

We are showing them, together with white Serge Suits in other styles.
All our garments are tailored here by our tailors. Hand-shaped collars. Note the long curved, shaped notch collar on our garments. Hand-made buttonholes. All cloth and canvas dip water-shrunk—never will spot or edges ruffle up.

Acheson Cloak & Suit Co.

RETAIL STORE
West Park and Morrison Streets

enough to provide a burying ground for all of the dead pipes and stinkodors cigar stubs (and breaths) that some men carry with them on streets. The world is moving on. Three cheers for The Oregonian!
ANOTHER LADY SUBSCRIBER.

Reed Scholarship Pleases.

The first semester of class work at Reed College, completed last week, has satisfied the faculty that the requirements for admission and the methods of selecting students for the first class were admirably suited to the needs of the institution. The spirit of the student body, its fine loyalty and eagerness to co-operate with the faculty, are matters of great satisfaction to all. Three students have been advised to leave the college on account of low scholarship. President Foster has sent an open letter to superintendents of schools and principals of high schools, in which he calls attention to the work of Reed College.

and read the middle and the end again. And I thought "The Oregonian has done quite the handsome thing. Of course it would have been nicer of it if it had said it a long time ago—braver, perhaps, than it is to say it now, when the subject is so much more popular than it used to be; but it has said it, anyway, and that's a great deal. I suppose The Oregonian is merely human, and masculine human, at that. A lot of men, women, too, are so caked over with tradition that they will have to submit to having it chiseled off some day, but The Oregonian isn't so slow. Did a man write that article? I hope so. And let us pray that he will "practice what he preaches." That is what I thought.

My, won't there be a house-cleaning, though? The dirt which has been accumulating so long will have to be cleaned up and the men will have to go to the woods to spit—poor things! And some of them will have to be deodorized, too, and that will be a terrible deprivation. Some new board of lady managers will stand together long

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To prolong the blooming season, water freely and keep the flowers cut.



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Acta GdnLavender
Countess SpencerPink
King EdwardCrimson
OthelloDeep Maroon
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Best of Their Color and Class
These will give you a splendid assortment of the most beautiful and brilliant colors. Flowers are large, of finest form and are borne in greatest profusion on long, strong stems. If you want to be sure of having the finest sweet peas and lots of them, order the "Home" collection. Six large pkts. 50c—Six 1-oz. pkts. 25c

For the Elks' Convention

Purple and White Sweet Peas will be in demand. PLANT NOW. The correct shade is our ELKS' PURPLE.

For select line of newest and best Sweet Peas, Roses, Flowers and Garden Seeds, see our 1912 Complete New Seed Annual 128 Pages. A reliable Reference and Buyers' Guide for Northwestern Growers. Fully illustrated and presents the newest and most desirable varieties for market or home gardens.

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FRONT AND YAMHILL STREETS
JOIN THE OREGON SWEET PEA SOCIETY and win our handsome solid silver trophy cup. Value, \$60