

WORD ALEXIS PRESIDENT NO MORE

People of Port Au Prince Rise; Joined by Alexis' Troops—Simon Slates Himself for Ruler—Legitimate Provisional President

(United Press Leased Wire.)
Port Au Prince, Hayti, Dec. 2.—Port Au Prince rose in revolt against President Nord Alexis today. The people seized the city and established a provisional government with General Legitime as temporary president. The coup d'etat was accomplished without resistance on the part of the government troops, who were in complete sympathy with the revolutionary movement at the capital.

HAD NO POWER

(Continued From Page One.)
prove of the ordinance the tax will have already been collected.

This peculiar situation comes about as a result of the decision rendered by Justice Eakin of the state supreme court yesterday, which in turn grew out of the enactment of an ordinance by the city council in February, 1908, providing for the taxing of various kinds of vehicles used within the city.

This ordinance was passed by the council over the veto of the mayor. It was opposed, however, and the referendum was invoked. Suit was then begun to enjoin the city from enforcing the ordinance, pending the decision of the people by their votes. When the petition for injunction was presented to the circuit court Judge Gantenbein sustained a demurrer submitted by the city attorney, dismissed the suit and ordered that the taxes could be collected.

Pursuant to this decision the city government has proceeded to collect the taxes provided for in the ordinance and to date \$9,950 has been paid into the city treasury. In general detail, contractors employing dirt wagons, hotels with omnibus service, automobilists, delivery wagons of all kinds, express wagons, drays, hacks and trucks all have paid their quota into the treasury.

The decision is far reaching in importance, and will undoubtedly affect every city in the state. It provides, in short, that no ordinance passed by any city council is enforceable unless necessary for the public peace, health or safety, can be effective until 30 days have elapsed from the time of its passage, that length of time being allowed by the law of 1907 for the invocation of the referendum. Any act of the city government, except those emergency measures demanded by the public peace, health or safety, and all ordinances passed must wait for 30 days before becoming effective in order that the people of the city passing the ordinance may have



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an opportunity to invoke the referendum, should they so desire.

The decision makes plain the great need for immediate revision of the Portland city charter. The suit in the first place grew out of a conflict between the provisions of the charter and the state law. It is provided that an ordinance shall become effective immediately after its passage by the council and signature by the mayor. The referendum amendment gave the people of the state the right to pass on all municipal legislation.

INSANITY AND SELF

(Continued from Page One.)
detectives, testified before the grievance committee of the State Bar association that Hitchens came to him with a proposition to buy a house on West Park street with women of evil repute and then raid it, on the grounds that it was a house of ill fame. The idea was that the owner of the building had leased it for less than it would rent for at the time the proposition was made, and the detectives wished to find grounds for breaking the lease.

It is proposed by the defense that, if any effort is made by the prosecution to connect Hitchens with the murder of Fisher, all these things would be brought out to show that his testimony is worthless. These things were all embodied in the charges preferred by Ralph B. Fisher against Hitchens in the presentation of the murder case.

Lawyer Plans Reply.
Hitchens prepared a reply, or rather, he says it was prepared for him by one of the most prominent members of the Portland bar, in which he charged Ralph B. Fisher, John F. Logan and others with having entered into a conspiracy to blacken his character. The suit against Hitchens has not yet been decided in the disbarment proceedings.

Deputy District Attorney Fitzgerald stated this morning that he did not believe that there ever was any conspiracy for the actual murder of Fisher, but that the lawyers against whom Fisher brought disbarment proceedings were in the habit of meeting together, three or four of them at a time, discussing the matter, and it was probable that several of them had a hand in the writing and sending of the letters.

Altogether, the trial of J. A. Finch for the murder of Ralph B. Fisher promises to bring to light a number of unsavory incidents and to involve several more or less reputable attorneys of the Portland bar.

Finch was as uncommunicative as ever this morning. He would not discuss the story that he told details of the killing of Fisher to other court jail prisoners or persons. When reminded that this is of vital importance, as it tends to prove that he was shamming, he said he would not discuss it at all.

Finch did say, however, that he does not remember the shooting now, and he said that on Saturday he was in still less condition to remember.

"I am in a state of mind about it now," he said, "I am having all I can do to keep myself together, and the best I can do is to keep as quiet as I can and rest. No, I do not remember that I have talked over the events of last Saturday with other prisoners any more than I have talked with the newspapers."

Finch did say, however, that he does not remember the shooting now, and he said that on Saturday he was in still less condition to remember.

Nelson stated that the rock bore very high values in gold and when the Fairbanks people learned the news a rush was started in the direction of the new gold strike.

ANNA'S COUNSEL ROASTS COUNT BONI

(United Press Leased Wire.)
Paris, Dec. 2.—Count Boni de Castellani, after having charges of scandal and threatening to expose the lives of Prince Helle de Sagan and his princess, formerly Anna Gould and Countess de Castellani, was placed on the court grid and roasted today for his own mode of living, by Maître Clemenceau.

Clemenceau, appearing for Princess Anna, answered the charges brought in Boni's suit for the custody of the children born to Boni and the countess. He declared that Boni wanted more money to spend. The strictures on Anna and de Sagan, said Clemenceau were laughable, considered in the light thrown on Boni's private life.

The attorney declared that after exhausting his own resources he wanted half of what she has received since their separation, although he had no legal claim to any allowances.

CAPTAIN WOLFF WILL PLAY HALF OF GAME

(Special Dispatch to The Journal.)
Oregon Agricultural College, Corvallis, Dec. 2.—The football team of the Oregon Agricultural College, Corvallis, has been practicing in order to limber them up for their game with Multnomah club next Saturday. Several of the players are badly battered and will be unable to get into very good condition before the game, but all are cheerful and will do their best.

Captain Wolff is in poor health but will perhaps play during half of the game.

UMATILLA LAND FRAUDS REVIVED

Decision on Suit Filed at Pendleton May Have Important Bearing.

(Special Dispatch to The Journal.)
Pendleton, Or., Dec. 2.—Following closely upon a rumor that a civil suit was to be commenced which would involve an interpretation of the federal laws under which indictments were brought against prominent local men for the alleged Umatilla land frauds, the filing of a suit by Attorney D. W. Bailey has set the legal fraternity in Pendleton wondering just what the action means.

On its face Lawrey's suit against Hannah is a fight being made by the plaintiff to secure possession of a tract of land which he purchased under the Fulton amendment to the act of 1891, which opened certain lands upon the reservation to sale. By the terms of the Fulton amendment where such land was grazing land in character it might be purchased without a residence being required. Under this amendment Lawrey made his purchase, which was contested by Hannah upon the ground that the tract in question was agricultural land. The contest was sustained and Hannah allowed to purchase the tract.

Lawrey Received No Money.
But Lawrey, according to his complaint did not get back the money he paid the interior department for the land, and in his suit he contends that the land office had no right after having accepted his money, to allow Hannah's contest and permit a second purchase.

It is at this point, so local attorneys believe, that affects the criminal cases now pending. A construction of the case and the laws by the district court here will permit the matter to be carried through the supreme court of the state to the supreme court of the United States and if the courts should hold that the land office had no right to go back on the original sale to Lawrey, it is believed that such a ruling would prove a strong factor in the alleged fraud prosecutions.

Another important effect of such a ruling would be to invalidate several similar contests which the land office has upheld and upon which second purchases have been made, and through which settlers upon several such agricultural tracts would lose their homes.

Into the Federal Courts.
Since so many federal questions are involved in the action it is quite probable that it will be taken into the federal courts. Indeed, it seems that such action was at first contemplated, as upon the original pleading as filed in the clerk's office appeared an assurance of a hearing indicating that the federal court was at first considered as the place to bring the action.

The theory of the action brought by Lawrey seems to be that the government had no right to go back on the original purchase, and that when Lawrey had paid over the money that land was his. Should such an interpretation be upheld in the court it is possible that it might be made to similarly apply to use cases under which the indictments against local people were brought last June.

NEW YORKER FOR THE NAVY

Robert Means Thompson Is Among Those Mentioned for the Cabinet.

(United Press Leased Wire.)
Washington, Dec. 2.—A report is current here that Colonel Robert Means Thompson of New York, may be tendered the navy portfolio in the cabinet of President Taft. Colonel Thompson is an Annapolis graduate, ex-naval officer and financier.

NAVAL OFFICERS CAN CHOOSE TEST

(United Press Leased Wire.)
Navy Yard, Puget Sound, Wash., Dec. 2.—The plan to subject naval officers to endurance tests along the lines of the riding test of the army is causing worry to a few here who are near the retiring age. According to local surgeons the test will probably be the choice of a 100 mile cycle ride, a 90 mile horse-back ride or a 50 mile walk to be accomplished in three days. Officers are now making their selection, many favoring the walking test.

HAY COURTMARTIAL TO OPEN TOMORROW

(United Press Leased Wire.)
Fort Townsend, Wash., Dec. 2.—A

End Is Near!

Do you need any clothing? If so don't fail to visit the Closing Out Sale of the Wholesale Clothing Stock at Front and Oak sts. The bargains offered are beyond doubt the best in the city. If interested, call at once as the sale will last only a few days longer.

- Men's Wool Coats, \$1.00
- Men's Wool Vests, 50c
- Men's Good Pants, \$1.00
- Boys' Knee Pants, 25c
- Men's Wool Suits, \$5.00

The sale is at the northwest corner of Front and Oak streets, in the center of the wholesale district, where rents are low.

court-martial to try Lieutenant Muller S. Hay of the United States revenue cutter service is called to meet in this city tomorrow. Six specifications are made by Captain A. J. Henderson commanding the revenue cutter Thetis when the vessel, with which Lieutenant Hay is serving, was in the Arctic ocean, August 16 last. Lieutenant W. V. Jacob will serve as president of the court and with Lieutenant of Engineers James H. Calkin and one other officer will constitute the trial board. Lieutenant of Engineers Robert H. Adams of the cutter Rush has been delegated by department officials to serve as judge advocate. Captain Harry W. Newton of the artillery corps has been selected by Lieutenant Hay to act as his counsel.

Health—how many 'would give fortunes to enjoy the greatest of nature's gifts and to be able to give

A Smile All the While

Ailing tots cause pity—fretful young people cause wonderment—irritable men and women cause surprise. To enjoy perfect health the body must be built up and the mind invigorated by perfect food.

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NOW \$168 WAS \$205	NOW \$226 WAS \$325	NOW \$304 WAS \$375
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Pease, established over 50 years.
Lester pianos, Pride of Pa., established more than 30 years.
Story & Clark, established 1865.
Hobart M. Cable, made for a decade.

These and many other thoroughly dependable pianos are offered at prices which can only be appreciated upon making a thorough investigation.

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Name Your Own Terms

At the low prices quoted, the terms really should be cash, but our object is to insure quick selling just now; hence we'll not haggle over terms. If you have \$50 or \$100 to pay down, all well and good; if not, bring \$10 or \$15 and we will send a fine piano to your home. Balance monthly or otherwise to suit your convenience.

Some people wait to buy a piano until they have all cash, and never get one. Others pay a little down, the balance monthly, and soon own the instrument, little realizing where the money came from to buy it. You pay far less now than the usual cash price, even though you buy on terms, and will have the use of the piano while paying for it. Why wait longer for a piano? Call as soon as possible.

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