

ASKS FOR REHEARING IN VEHICLE TAX CASE

City Attorney Kavanaugh Shows Supreme Court of the State in Petition Where Municipality's Interests Demand Reconsideration of Decision.

"We earnestly urge the court carefully to consider its decision and grant us a rehearing in view of the confusion and utter chaos that is resulting from its decision, and give us an opportunity on behalf of the citizens of Portland, to present in detail the reasons why we believe this decision should be reconsidered. In our present situation we are groping in the dark and our public business is practically suspended."

With this conclusion City Attorney Kavanaugh has applied to the supreme court for a rehearing in the vehicle tax case, recently decided by the state supreme court, which fastened the literal terms of the referendum provision of the law upon all municipal business and held that no ordinance, resolution or provision could become effective until 30 days from its passage by the council and signature by the mayor.

The case at the time it was passed upon by the supreme court, caused much comment and at that time it was predicted that the result would be great confusion in the transaction of public business in Portland. The case grew out of the passage by the city council of a vehicle tax ordinance. Upon this ordinance the referendum was invoked, but the city authorities ruled that the cases should be collected before the people had voted upon the referendum. One man, George Long, a peddler, refused to pay the tax and took the case into the courts. The supreme court held that the tax could not be collected until the referendum vote had been recorded.

This decision threw the municipal machinery of Portland clear out of gear, according to the contentions made by Mr. Kavanaugh. In his petition, which has just been filed, he asks for a rehearing. Mr. Kavanaugh points out that there is hardly an action taken by the council which is not followed by some other subsidiary within 30 days, necessary to the completion of the project undertaken and provided for by that act. This will be, under the ruling of the court, illegal. The ruling of the court would therefore prevent the carrying out of the provisions of the charter and would thus indirectly annul the actions of the council.

Improvements Are Blocked.
It is pointed out that Portland is a growing city and that extensive improvements are now in course of completion or inauguration. Streets are being paved, sewers are being laid, old sewers are being enlarged, walks are being constructed, and many other things are being done. It is pointed out that a 30 day delay would make these improvements impracticable or impossible. Mr. Kavanaugh contends that in the future, under the ruling of the court, it will be impossible to conduct the business of the city in a reasonable or orderly manner, and, he says, "the peculiar difficulties of the situation are such that we are unable to see any method of relief."

In explaining the proposition to the court, Mr. Kavanaugh says: "We beg to submit a few concrete illustrations of the confusion and chaos that will result from this decision. By section 315 of the charter the council is authorized to adopt a resolution of intention to improve a street. It has been the custom and is essential that the auditor publish immediately notice of the passage of such resolution and notify the property owners of their time and right of remonstrance. This notice must now be held in abeyance for a period of 30 days, thus delaying the improvement, which, on account of its nature, must often be laid during the short, dry season of the summer.

"Twenty days are allowed property owners within which to file their remonstrances, thus consuming more than 50 days before the council can pass an ordinance providing for the improvement and for the time and manner of making the same. If the council meeting shall not occur soon after the expiration of this time, it might be extended 14 days longer.

After the time and manner ordinance is passed the mayor has 10 days within which to approve or veto the ordinance, and if the ordinance is vetoed it will not come up again for action until the next

STORM RECORDS FOR WHEELER COUNTY ASSURED

(Continued from Page One.)
fived down today from Portland and report meeting with much ice in the river. Captain Bailey of the Mayfair says he has fairly heavy ice as far down as Goble, and slush ice within 25 miles of this city. The ice will probably be tomorrow.

So many pipes have been frozen in the houses that many have let the water run and the result is a heavy load of ice that tonight the water commission announces it will shut off the water until 8 o'clock in the morning. Citizens had better be prepared, as much dead water remains in them.

McGee of the streetcar system has kept the cars going, though only by much effort. Gangs of men are working in the valleys, with axes and shovels, pulled by horses, have been provided. For the past three nights cars have been kept running, and it is in the effort to keep the tracks clear.

The whole town has been enjoying coasting and sleigh rides. "Various accidents are reported. Miss Minnie Knutson, a well known young lady, broke an arm, and the young son of Superintendent of Schools, who was badly bruised and hurt by colliding with a team while coasting.

FLOOD THREATENS WALLA WALLA IF THE COLD ABATES

(Special Dispatch to The Journal.)
Walla Walla, Jan. 9.—With 13 inches of snow and the thermometer never higher than zero, the last 24 hours have been the worst in the winter records of the Walla Walla valley for a decade. Snow is still falling and the weather bureau promises no relief.

Zero weather from seven to eight hours late, and the mails are slow in coming from eastern points. Local and traffic conditions are better than could be expected, and few delays are made on the trains directly in and out of the city. Zero weather in the winter records of Walla Walla, and not since 1893 has the thermometer been so low as it dropped during the past week. The weather bureau says so infrequently in this city that their appearance is a novelty, as in evidence everywhere.

More trouble is experienced in keeping streets and sidewalks clear than in any other way. One local boot store has piled the snow on the walls in front of its shop in a great mound, with a signboard, "Take the right hand path for boots and rubbers. Everywhere the snow is piled so high against the curbs that only at corners can one take a cab.

Great as is the present discomfort, more apprehension is felt over the melting of the snow, and the possibility of a break in the winter. With a foot of snow in the valley, and from two to six feet in the mountains, the worst floods in the history of the country are predicted. The snow is taken off by a chinook wind, a warm wind, or both. Usually after such a cold wave the snow melts from the coast take off the snow at the rate of an inch an hour. Should the snow melt in the mountains, the business parts of the city would not hold the stream, which becomes turbulent at the base of the mountains. Local business men are already taking steps to prevent any trouble from this source. The crews at the dams are being strengthened at the first sign of a break in the weather.

UMATILLA RIVER IS FROZEN OVER; CITIZENS SUFFER

(Special Dispatch to The Journal.)
Pendleton, Or., Jan. 9.—Indications this evening point to a very heavy snow in Umatilla county in 20 years or longer. The afternoon was clear and cloudless, and the sun shone brightly. People are preparing for colder weather than last night, when the thermometer registered low in the evening. The Umatilla river is completely frozen, and the mill races, for the first time since 1898.

The snow is now 10 inches deep at this place. It is reported that there is 15 inches of snow at Cayuse station. The growing grain crop. No present danger threatens the agricultural lands, the snow being entirely beneficial. Sheepmen also declare themselves safe against harm. J. E. Smith, a pioneer of the country, said his sheep are well. "I do not anticipate any losses. The sheep are standing the weather well. This is the best winter I have known of, and nearly all the shepherds have plenty of feed to keep their bands during the winter. The snow will be light if the weather continued a month.

The local waterworks are taxed to capacity through the fact that householders keep the water running to prevent the pipes from freezing. The electric pumping plant is running to capacity, and 1,000,000 gallons of water daily. If the reservoir is kept full no shortage of water will be experienced.

The train service into Pendleton showed much improvement today. The arrival of the Portland train at 5:30 this evening. The only anxiety felt here concerning the danger of the river, is in the event of a sudden freshet. Pendleton is safely protected from the river through extensive repairs made on the levee during the summer.

BITTERLY COLD BUT SNOW STOPS AT THE DALLES

(Special Dispatch to The Journal.)
The Dalles, Or., Jan. 9.—The mercury dropped to 4 degrees below zero last night and with a rapidly rising barometer today, weather forecasters R. L. Brooks predicts that the thermometer will register at least ten below tonight. The maximum was 12 above during the forenoon when the sun shined brightly. The river is completely frozen over for several miles above The Dalles and pedestrians are crossing on the ice.

WILLAMETTE RIVER STANDS AT 13 FOOT STAGE; FEAR FLOODS

(Salem Bureau of The Journal.)
Salem, Or., Jan. 9.—Since 6 o'clock this morning the United States weather bureau has recorded no appreciable rise in the Willamette river at Salem. The river still stands at the 13 foot stage, where it stood this morning. The cold weather has prevented a further rise at this time. The Willamette valley has not seen such a heavy snowfall in years as that which took place this week. The snow at Salem is 14 inches deep, and other points near report a heavier

Commissioners Fix Tax Levy at 20 Mills in Order to Raise \$35,000 for Immediate Erection of a Modern Courthouse.

Twenty mills is to be the tax levy for 1909 as the result of a meeting of the county commissioners held yesterday in the court house.

It had been decided to raise the tax levy from 14.2 mills, as it was during the past year, to 18.4, or 4.2 mills greater than the taxes of 1908, but because of the necessity for a new court house, the levy was raised to 20 mills or two cents on every dollar's worth of assessed property, which will mean a collection of \$35,000.

The new courthouse is to be erected on the site of the present building and the first appropriation will be \$25,000. The structure will be four stories high and, when completed, will occupy the block with the exception of a courtyard, or light well, in the center of the building.

After the completion of the front wing, which will have 200 feet frontage on Fourth street and about 75 feet deep on Salmon and Main streets, the offices now located in the present building will be moved to the new structure, the old one torn down and two wings will be erected in conformity with the plans of the first section.

It is believed that the new four story structure will accommodate the offices of all the county departments, of whom are not now located in the courthouse, although it is the consensus of opinion that the district attorney, county assessor, treasurer, school superintendent and other minor offices. It is hoped to have the new building completed early next year.

It would not be unusual if a warm chinook wind would start up at any moment, melting the snow in a few hours, causing an enormous flood and inestimable damage.

The weather bureau reported the minimum temperature last night at 4 degrees above zero. Other thermometers observed in the early morning ranged from zero up to 2 degrees above zero. This was the coldest weather ever recorded at the Capital city.

Chinook Wind at Cove.

(Special Dispatch to The Journal.)
Cove, Or., Jan. 9.—Snow for the past week has averaged seven inches in this vicinity, with heavy drifts reported in the hills. A strong chinook wind has bared the ground in many places and reduced the average depth to about four inches, blowing steadily for 24 hours. The sky was clear at 5:30 this morning and the mercury stood at 34 degrees above zero; at 7:45 it registered 34 degrees, and at 9:30 it fell to 12 above, recording the biggest drop known in this locality in 18 years. It is now snowing steadily with the thermometer at 16 above.

Three Inches Klamath Falls.

(Special Dispatch to The Journal.)
Klamath Falls, Or., Jan. 9.—A very heavy snow with a moderate temperature carried down the wires and poles here this morning. For two days no communication was had with the outside. There have been two and five-eighths inches of precipitation of rain yesterday the minimum was 15. There is no indication at this time of a quick thaw or permanently warmer weather. The snow is still falling, and the weather remains very cold the river is bound to rise, says the weather man.

WHEELER COUNTY STOCKMEN AWAIT CHINOOK WIND

(Special Dispatch to The Journal.)
Mitchell, Or., Jan. 9.—Indications this evening point to a very heavy snow storm, accompanied by blinding zero weather, has been raging over Wheeler county the past few days and stockmen are anxiously awaiting a chinook wind. The majority of the best stockmen in Wheeler county are waiting for the chinook wind to melt the snow and to drive to other sections for the winter.

Storm Abates at Ashland.

(Special Dispatch to The Journal.)
Ashland, Or., Jan. 9.—The heavy rain-fall here since Sunday was succeeded by snow last evening which continued all last night. The entire fall was four inches. There is over two feet of snow at Siskiyou, but only a slight delay of trains and no special damage from the storm. The storm appears to be over, with lower temperature today.

Three Below at McMinnville.

(Special Dispatch to The Journal.)
McMinnville, Or., Jan. 9.—Three degrees below and more snow, was the record of the cold wave and storm last night. It is colder today, the thermometer registered 19 above zero. This is a record that has not been equaled for more than 20 years.

14 Above at Baker City.

(Special Dispatch to The Journal.)
Baker City, Or., Jan. 9.—Three inches of snow fell here today. The weather is clear with a bright sun. The thermometer at Baker City is up 15 feet, being within three feet of the flood stage, and rising steadily. It is feared that the weather will be caused, for a flood is in evidence.

ALBANY EXPERIENCES THE COLDEST NIGHT IN SEVERAL YEARS

(Special Dispatch to The Journal.)
North Yakima, Wash., Jan. 8.—The coldest weather in 18 years is being experienced here today. The thermometer at the office of government reclamation service here registered 28 degrees below zero. The weather bureau household in the city is suffering from bursted water pipes. A number of houses have bursted pipes. Many families have moved into the hotels. Plumbers can not begin to take care of the work, as yet there is no danger of a fuel famine. Stock is beginning to suffer.

STORM RECORDS FOR EIGHTEEN YEARS ARE SMASHED AT YAKIMA

(Special Dispatch to The Journal.)
North Yakima, Wash., Jan. 8.—The coldest weather in 18 years is being experienced here today. The thermometer at the office of government reclamation service here registered 28 degrees below zero. The weather bureau household in the city is suffering from bursted water pipes. A number of houses have bursted pipes. Many families have moved into the hotels. Plumbers can not begin to take care of the work, as yet there is no danger of a fuel famine. Stock is beginning to suffer.

FOUR DEGREES BELOW ZERO MARK TOUCHED AT DALLAS, IN POLK

(Special Dispatch to The Journal.)
Dallas, Or., Jan. 9.—The coldest weather in 18 years is being experienced here today. The thermometer at the office of government reclamation service here registered 28 degrees below zero. The weather bureau household in the city is suffering from bursted water pipes. A number of houses have bursted pipes. Many families have moved into the hotels. Plumbers can not begin to take care of the work, as yet there is no danger of a fuel famine. Stock is beginning to suffer.

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snow is about a foot deep and some stock are suffering. Water pipes are bursting and the water supply is shorted. The snow shows little signs of melting. Coasting and sleighing are being enjoyed by all.

STORM VICTIMS IN NORTH IDAHO

Teamster Found Half Dead—Others Narrowly Escape—Train Stuck.

(Special Dispatch to The Journal.)
Spokane, Wash., Jan. 9.—Hardy dead from exposure, cold and hunger, Joe Trench, a teamster for contractors building a road over the mountains from Wallace, Idaho, to St. Joe, was rescued by a relief party Thursday after he had been three days making his way through the snow on the summit of the mountain with a two horse team.

Several men on horseback narrowly escaped death in snow banks. County Surveyor Trask nearly froze to death Friday night. He was all night on horseback traversing a mile of road. Stuck in snowdrifts and rock slides midway between Enaville and Murray, Idaho, in what is called the "Jam" an Idaho Northern train is unable to move in either direction. A force of men is digging it out. Trains here are many hours late. The coldest weather of the winter prevails, 15 below zero.

of snow fell here during the night. The thermometer registered six above at 4 o'clock this morning. It registered 14 above at 11 o'clock. There is no interference with business.

Roseburg Weather Moderate.

(Special Dispatch to The Journal.)
Roseburg, Or., Jan. 9.—The weather is very moderate here, the thermometer standing at 30 at 9 o'clock. It is expected to drop to 26 before morning. The storm in the county has abated and the snow has melted rapidly.

Still Cold at Hillsboro.

(Special Dispatch to The Journal.)
Hillsboro, Or., Jan. 9.—The cold weather continues unabated here, the mercury standing 9 above at daylight. The snow is about 10 inches deep. The lowland south of town is overflowed and frozen over.

Cook Accused of Thefts.

Lewis Platt, second cook of the Hotel Oregon, was arrested last evening by Detectives Price and Tennant on a charge preferred by Manager Dickerson, who says Platt made away with a grip he found in one of the rooms of the hostelry.

STORM BEATEN SHIPS TO DOCK

Illinois, Kentucky and Kearsarge Especially Buffered by Typhoons.

(United Press Licensed Wire.)
Washington, Jan. 9.—As a result of the heavy typhoons between Australia and Manila and Colombo nearly all of the vessels of the Sperry fleet will have to be docked for repairs on returning home. Three, particularly, will need extensive overhauling, the Illinois, Kentucky and Kearsarge, which will require several months to put them in good condition. Several others are considerably the worse for weather.

As the repair work will require much longer than had been expected, it is possible the annual spring target practice will be interfered with. A large work must be abandoned it is probable a week or 10 days will be spent in an elaborate program of battle tactics, such as was introduced by Admiral Evans in 1907.

AUXILIARY TO COMMERCIAL CLUB

At a preliminary meeting of the Auxiliary club to the Commercial club, C. C. Craig, general manager of the Northwestern Long Distance Telephone company, was made president, and Fred Muller, secretary of the board of trade, secretary. Those present at the meeting were Wells H. Hurlburt, Robert Tucker, Frank H. Fogarty, Fred O. Jacobs, H. L. White, H. G. Beckwith, Vincent Jones, C. C. Craig, C. E. Fargo, E. V. Holder, Harold M. Sawyer, A. Kettenbach, W. M. McMurray, William H. Smith, Fred Muller, W. W. Wiswell, E. S. Josselyn, C. C. Cook and A. G. Anderson.

The idea is to form an auxiliary consisting of members who have lived in Portland less than three years, and the purpose is to make all newcomers to Portland welcome and "at home." A meeting will be held next Saturday at 12:15 p. m. to decide upon a name and emblem for the organization.

The cultivation of tobacco in Spain is prohibited, a company which has a monopoly in dealing in it paying the government about \$25,000,000 a year.

TUESDAY NIGHT—MASONIC TEMPLE HALL

Katharine Goodson

THE WORLD'S GREATEST LADY PIANIST, APPEARS WITH THE PORTLAND SYMPHONY ORCHESTRA

This will be the greatest musical event this season. No lover of music can afford to hear the wonderful Mason & Hamlin concert grand—costliest piano in the world—will alone be worth the price of admission. This beautiful piano is to remain in Portland for concert use only, through the efforts of The Wiley E. Allen Co. In view of the fact that no Mason & Hamlin pianos are exhibited in Seattle or Tacoma, on account of their great cost, is another instance where Portland is away ahead of these cities in enterprise.

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After January 1, 1909, interest will be allowed on deposits for every Full (Calendar) Month

They may be continued, and will be paid when account is closed. The rule previously enforced, that deposits must remain four months to draw interest, having been canceled.