

RAILWAY TRAIN GOOD ARGUMENT AGAINST TRACKS

In Suit to Oust S. P. Rails From Fourth Street Witness Will Tell How Uncontrolled Cars Endangered Lives.

Testimony, through which City Attorney J. E. Kavanagh hopes to bring out facts of the reported runaway of a Southern Pacific freight train on Fourth street late yesterday afternoon, will be introduced in the hearing of the city's action against the railway company for the vacation of that thoroughfare, before Federal Judge R. S. Bean today.

R. M. Gray, proprietor of the outfitting store at Fourth and Morrison streets, and John Hertz, E. Klyce and M. Vannatta, employees, will be the principal witnesses for the municipality. William Dunn, butcher, employed in Spath & Koehler's meat market, Fourth and Yamhill streets, may also be called to testify.

Mr. Gray and his employees will swear having seen the inbound freight train, made up of an engine and about 20 cars, sweep across Morrison street about 4 o'clock at a speed of 15 miles an hour or more. They will testify that the train crew seemed excited and that two brakemen were working hand brakes strenuously.

Statements of the four witnesses may tend to prove potent in influencing the mind of the court in the decision of the case, which Judge Bean allowed to be reopened for the introduction of the additional evidence. Trains are supposed to keep under four miles an hour when crossing Morrison street, and Mr. Kavanagh will argue that the inability of trainmen to keep trains descending the Fourth street hill under control proved that operation of steam locomotives on that street a menace to life and property.

John Hertz will be the best witness for the city. He was standing in the doorway of the store at Fourth and Morrison streets about 4 o'clock yesterday afternoon. His attention was attracted to the train by the speed with which it was coming down the hill.

"When the train crossed Morrison street it was running at a speed of not less than 15 miles an hour," declared Mr. Hertz today. "The attention of scores of passersby was attracted. I watched the train crew particularly, and saw two of them working frantically at the emergency brakes. Normal speed was not reached until the engine had gained Washington street."

Testimony of other witnesses will corroborate that of Mr. Hertz. "I am ready to go on the stand and testify that only a miracle saved the speeding train from crushing down pedestrians and vehicles at Fourth and Washington streets yesterday afternoon," said Mr. Gray. "Had there been congestion of traffic, such as is frequent at the corner, much damage would have undoubtedly been done. Luckily the streets were comparatively clear."

Nearly the entire morning session of the court was taken up with the identification of records in the Fourth street hearing. Numbers of witnesses were put on the stand by both sides to identify maps, records and other evidence. W. D. Fenton, of counsel for the railway company, opened the argument, reading from the brief which will be submitted within the next five days for the consideration of the court.

Arguing the right of the city council to prohibit the operation of steam locomotives on the street, he declared that motive power in use in 1869, when the franchise was granted, was part of the grant. He further contended the present city charter ratified and confirmed the grant. Mr. Fenton admitted that the council had power to limit the speed of trains on Fourth street, or to prohibit the running of steam locomotives or freight trains during certain hours, but that it had no power to repeal the grant.

Perpetuity was declared by City Attorney Kavanagh in the commencement of his argument to be looked upon harshly by the law. He argued that the city or town council had no proper right to grant a perpetual franchise, and submitted the assertion that the recently passed ordinance prohibiting the operation of steam locomotives and freight trains on the street was only regulative.

WRIT OF HABEAS CORPUS ALLOWED

Presiding Judge Bronough in the circuit court yesterday allowed the petition for a writ of habeas corpus in the case of G. S. Schwartz, arrested on a civil warrant charging him with being an absconding debtor. Schwartz was arrested at the instance of J. S. Sneve, who had brought suit against him and alleged that Schwartz was trying to leave the state to escape a debt. Schwartz departed from Silverton without telling anyone where he was going and was arrested in Portland at the union depot. Judge Bronough held that the affidavit upon which the warrant was based did not conform to the statutory requirements and that the affidavit should be strictly construed in such a matter. Schwartz was ordered released from jail.

CHAUFFEURS PARADE STREETS OF CITY

The professional chauffeurs' club of Portland, organized two months ago, paraded over the principal streets of Portland this morning. Twenty cars had part in the demonstration, which is the first ever given in Portland by the club. Cecil B. Lloyd was leader, and Mayor Simon furnished one of the cars. Headquarters of the club are in room 401 of the Westland building. Club rooms will be opened soon. The club has a membership of about 150, and is affiliated with the national association.

Meet Me Tonight At Gill's

The Ideal Gift Store.

SALE OF BONDS MEANS JETTY AT SUSLAW BAR

I. B. Cushman Here to Sign Contract for the Work, Which May Begin Within 30 Days.

Bonds amounting to \$100,000 for the building of a jetty at the Suslaw bar, have been sold and I. B. Cushman, president of the port of Suslaw, is in town to sign contracts for the work. Robert Wakefield, who was the only bidder, submitted a unit bid for the work, amounting to \$117,000, separate prices being made for different classes of work.

Contracts will probably be signed this afternoon for the work, which will have to begin within 30 days after the contract has been signed. A south jetty will be built for the purpose of protecting the channel and it is estimated that it will require about two years to complete the structure.

Some time ago the people of Suslaw and the surrounding country decided that the shipping in and out over the bar warranted some improvements and they said that if the government would make a survey of the bar, and suggest the proper improvements, they would raise at least \$100,000 to carry on the work.

W. G. Carroll, an assistant engineer in the United States engineer's office, was sent down with a party to make the survey of the bar. After a stay there of about five weeks on account of bad weather, Mr. Carroll made a survey and reported from seven to eight feet of water across the Suslaw bar, but owing to the fact that the channel frequently shifts, it was decided that it could not be maintained without a jetty to the south of the entrance.

Shippers of that section desire eight feet of water at low tide, and as a jetty was the only way in which this could be secured and maintained, bonds were floated and \$100,000 worth of them have been sold to carry on the work.

Mr. Cushman could not be seen this morning, but it was stated by responsible people that there is no doubt that the contract will be signed this afternoon, or very shortly, and that the work will begin almost immediately.

NEW HARBOR FOR PACIFIC COAST Pacific City Canal Co. Also Planning to Build City in Southern Oregon.

Announcing that the money has been secured to carry its plans to completion, the Pacific City Canal company filed articles of incorporation today. It has a capital stock of \$1,000,000 and will construct a deep water canal from Lake Flores, in Curry county, to the Pacific ocean.

The canal and the construction of a deep water harbor on Lake Flores at Pacific City is the chief project the company has in hand. It hopes, thereby, to build up a new city of importance and add another valuable harbor to the coast by private capital.

Engineers have investigated the project and declared it feasible. George Stevenson, W. H. Lang and W. W. Purdy are the incorporators, L. B. Reeder filing the incorporation papers as attorney. Mr. Stevenson is a local business man, Mr. Lang is a real estate dealer, and Mr. Purdy is a civil engineer, connected with the Great Northern railroad.

Included in the plans of the company is the laying out of townsites, the sale of lands, construction of power lines for all purposes and the building of a railroad from Pacific City, about 50 miles in length.

CHRISTMAS DINNER FOR ONE THOUSAND

Superintendent W. G. McLaren, of the Portland Commons, Front street, announced that it will be able to serve 1000 at their annual Christmas dinner to be given tomorrow at the Commons from 12 to 6:30. Roast turkey, duck, pork, beef, cranberry sauce, Irish and sweet potatoes, green peas, celery, mince pie, plum pudding, apples, oranges, tea and coffee will make up the menu.

The dinner is free to men, women and children, and cards may be obtained at the meetings of the Olive Branch, Peniel and City missions today. Cards will also be placed at the police station and will be given out at the Commons tonight from 8 to 10. A large corps of people is now at work on the dinner, and it will be home cooked in every particular. Mr. McLaren extends his sincere thanks to the people of Portland who have made this dinner possible.

HOLIDAY LULL HITS COURTHOUSE

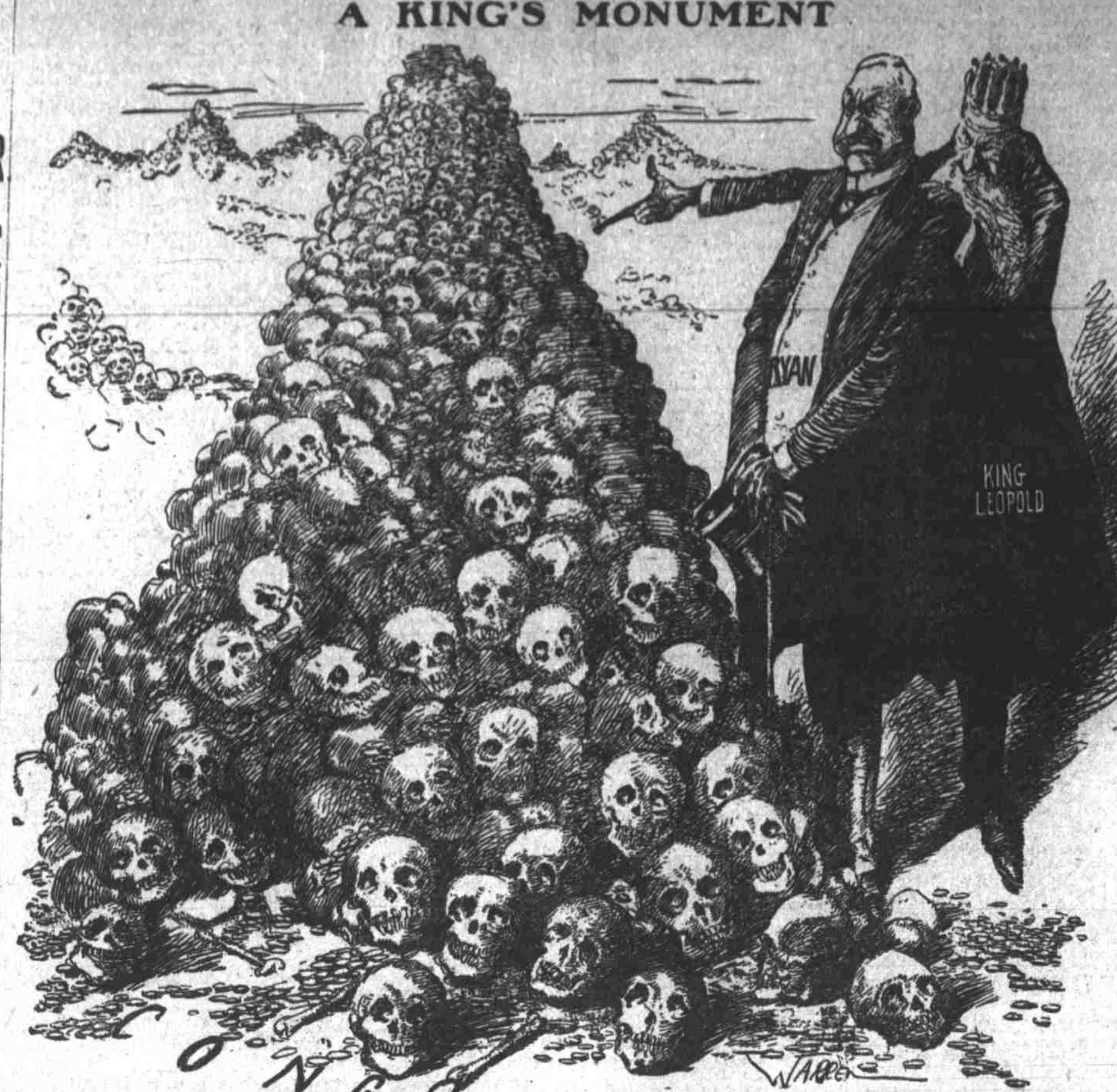
The holiday lull settled over the courthouse today. No new cases were taken up for trial, and the only judges busy were Judge Bronough and Ganssen, the former with motions and the latter with a tardy damage case. In the latter case W. E. Lindfors, a Finn, is suing the Columbia Concrete company and most of the testimony has already been taken. The trial is set for January in that case is "stuck" over Christmas, being dismissed today until Monday, and apparently the case will not be finished before Tuesday. Until January there will be no trials in the circuit court and the judges will devote themselves to cleaning up the work that has accumulated during the busy three months just past. The presiding judge will sit each morning, except holidays, to hear motions and emergency matters.

CHARGE AGAINST BARTENDER DISMISSED

Peter Lindstrom, a bartender, who was charged in municipal court with assaulting Robert Harris, a railroad laborer, on the morning of the 13th, was acquitted. The charge was dismissed because Harris admitted the assault.

60 ROOMERS FLEE WHEN HOUSE BURNS

Sixty roomers were routed out of bed this morning at 5:25 when a fire broke out at 233 Grand avenue. The fire was in a restaurant, and the three floors above are used as a rooming house. The men, women and children fled into the street when smoke poured into the hall above. There was no fire in the restaurant below.



A KING'S MONUMENT

4 SWEETHEARTS AIR THEIR WOES

Municipal Court Judge Adjusts Difficulties of Cupid's Victims.

Today was "sweetheart" day in municipal court. Four sweethearts, who had quarrelled over their affiances, were before the judge.

Sylvia Woods, an 18-year-old girl from Raymond, Washington, was arrested for refusing to return a diamond ring to A. R. Crook, a waiter in a local restaurant. He charged the girl with keeping a \$75 diamond, while she said he had given it to her during their courtship days last summer. At that time, both admitted to the court that they were in love with each other. Crook came to Portland and Miss Woods remained at Raymond. She was a stenographer.

Soon after Crook's arrival here, he wired for money. Miss Woods sent it Monday. Miss Woods came to Portland to visit relatives, and Crook asked for his ring, saying that the engagement was called off. The girl refused.

In adjusting the matter, Crook agreed to allow Miss Woods to keep the ring, until he could return the \$25, which claim the stenographer had against him.

Carl I. Holm, employed with the Western Electric Supply company, was charged by Arnoch Swanson with threatening to kill him. The trouble arose at 287 Burnside street. Holm's sweetheart, the girl recently told Swanson she loved Holm, and they were to be married.

Swanson and Holm quarrelled over the girl last Monday evening in their room at 287 Burnside street. Holm said he was excited, and could not remember what he said. When Judge Langguth was told of the engagement, and that Holm and the girl proposed to be married next week, he called the parties before him, and effected an amicable adjustment.

Elizabeth Schwab was arrested upon complaint of her husband. He is proprietor of a cleaning and pressing establishment at South Portland. He complained she deserted him and their one-year-old child. The wife came back with counter charges that Schwab had been friendly with their hired girl, and had taken her to places, at which he introduced her as his sweetheart. Schwab declares they had no hired girl. The case was continued until Monday.

GOVERNOR PARDONS BAD CHECK PASSER

Governor Benson has granted a pardon to Mary Schiel, sentenced to one year in the county jail by Municipal Judge Bennett for passing bad checks. She had served about three months of the time. Previously she was sentenced to the penitentiary by Judge Bronough in the circuit court for passing bad checks. She promised not to repeat the offense and was placed on parole. A short time after she was again arrested and sentenced by Judge Bennett. She will now be given another chance to reform.

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POWER COMPANY MUST PAY \$500

Judge Webster in the county court approved a settlement of a claim for damages by the estate of Peter Benson against the Portland Railway, Light & Power company for \$500. Benson was killed by a streetcar at Union avenue and Eighth street on November 14, and the claim was settled by the company.

JUDGE WEBSTER CHANGES MIND

Went to Salem to Hand in Resignation to Governor, but Did not.

County Judge L. R. Webster did not file his resignation with Governor Benson yesterday afternoon at Salem, as he intended, and it is not now certain that he will retire from office on January 10. Wednesday next, however, Governor Benson will come to Portland, and at that time will look into the judgeship question, and be guided in his future appointment here, following Judge Webster's resignation, by what he finds to be the sentiment of the people interested in Multnomah county.

T. J. Cleston, who has the inside track for the appointment, and who is said to be the choice of Judge Webster as a successor in office, is meeting with active opposition from John C. Shillock. Shillock says that he is an active candidate for the nomination. Long ago, he says, when the resignation of Judge Webster was first talked of, he wrote to Governor Benson and announced himself as a candidate for the appointment in that event. In answering this letter, Mr. Shillock says, Governor Benson wrote that, personally, he would like to favor Shillock, but that he could not tell what would develop in the event of Judge Webster's retirement from office.

Mr. Shillock now says that a combination is being formed against him by Judge Webster to prevent his appointment at the hands of the governor. He will have a hearing before the governor before the appointment is made. Mr. Shillock says the visit of the governor to Portland on Wednesday will be a busy one, for both the friends of Mr. Cleston and those of Mr. Shillock will seek the executive ear to show cause why their respective candidate should receive the appointment.

The question of the governor's visit, it is believed, is to scout out the desires of the people of the county in regard to the appointment of Judge Webster's successor. If he finds that Mr. Cleston is acceptable, it is probable that he will heed the suggestions of Judge Webster and his friends, because of a desire to favor Judge Webster by the appointment of someone who will carry out the good roads plans which have been started and partially carried out under the Webster administration.

HOLIDAY TOURISTS IN RAILWAY WRECK

Toronto, Dec. 24.—A Canadian Pacific train from the northwest with 500 persons on board, bound east for Christmas, was wrecked today east of Fort William, Ont. It is reported this afternoon that the total number of persons injured is near 50. None was hurt fatally. The train was the Toronto express that left Winnipeg yesterday afternoon.

TANGLED ROMANCE ENDS IN PARTING

James Buchanan gave his wife \$20 this morning in municipal court if she would leave him. She accepted the money. Buchanan is a carpenter, and quarrelled with her last evening. She caused his arrest. While the matter was being adjusted, another quarrel broke out, and they were cautioned to go home and settle their difficulties. Outside the courtroom, they agreed to separate. He claimed he was not legally married to her, as she had only been divorced three months when they were united.

SHOELESS NIGHT WALKER ARRESTED

Thomas McGowan, a longshoreman, wanted to go barefooted last evening on the streets. He was arrested, and related in municipal court this morning that he left his room in the New house, and walked into the street while asleep. He did not awaken until arrested. The affair happened shortly after midnight. He was allowed by the judge to return to his room, where he said he would get his shoes and go to work.

CLIENT A CORPSE; ATTORNEYS ARGUE

Death Interferes With Progress of Suit in Judge Ga- tens' Court.

Death of the plaintiff in the suit brought the argument in the case of E. B. Dufur as administrator of the estate of Richard Clinton against Mrs. Hattie Mullen to a sudden ending in Judge Gatens' department of the circuit court this morning.

The widow of Clinton died yesterday morning, just as she was preparing to start for the courthouse, the attorneys knew nothing about it, and consumed the whole day in argument.

Probably all this argument cannot be considered, unless by stipulation, as H. H. Riddell and J. M. Long, who appeared for Mrs. Clinton, had no legal standing in court, their client being dead. Her heirs will now have to be substituted if they desire to carry the case through the courts.

The case involves an interesting question of adoption. When she was a girl, then Hattie Jackson, the defendant was adopted by Cyrus Cook and Delight Cook, in Iowa. This was in 1876, with the consent of Mrs. Jackson, but the father's consent did not appear. In 1889 Hattie's mother married Richard Clinton and came to Oregon to live. Hattie was then re-adopted by her mother and Clinton. Later Hattie's mother separated from Clinton and he remarried. Hattie remained with Clinton, however, and upon his death claimed to be entitled to a daughter's share in the estate.

The law of Iowa at the time of adoption required all parties to the adoption to be residents of Iowa. Mrs. Mullen's claim as the adopted daughter was therefore disputed by the widow of her foster-father on the ground that she was not legally adopted.

The present suit arose over an effort by Clinton's widow, who has just died, to restate a mortgage satisfied by mistake and to foreclose on property in which Mrs. Clinton claims an interest. If Judge Gatens were to hold that Mrs. Mullen is not an heir there would be no need to foreclose, as the title of the widow would then be secure.

KIDNEY OR BLADDER MISERY GOES AND YOUR LAME BACK FEELS FINE.

Several doses will make your out-of-order Kidneys act fine. Hundreds of folks are needlessly miserable and worried because of out-of-order kidneys, backsache or bladder trouble. If you will take several doses of Pape's Dietetic all misery from a lame back, rheumatism, painful stitches, inflamed or swollen eyelids, nervous headache, irritability, dizziness, worn-out, sick feeling and other symptoms of overworked or deranged kidneys will vanish. Uncontrollable sneezing, frequent urination (especially at night) and all bladder misery ends. This unusual preparation goes at once to the deranged kidneys, bladder and prostate, and restores them to normal. Accept only Pape's Dietetic—Fifty-cent bottles.

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COX REPRIMANDS SLEUTH HAWLEY

Detective's Activity in Girl Case Brings Censure From Police Chief.

The detective department came into the limelight again this morning in municipal court by assisting in quashing a charge of larceny, in which clothes valued at \$125 had been stolen. Detective H. H. Hawley was the star witness for the person accused of taking the goods.

Marjorie Kintz, a waitress living at 1028 East Twenty-eighth street, caused the arrest of Grace Bales, daughter of the chief of police at Kelso, Wash. She accused her of taking clothes valued at \$125. The Bales girl was arrested Wednesday evening on the Vancouver ferry, and returned to Portland.

In the meantime a man offered to take the Bales girl to her father and see that she stayed away from Portland. Detective Hawley had been sent to Vancouver to bring the Bales girl to Portland. When the case was called in court, the detective was the most active person in the case.

Detective Hawley Active. He claimed that Miss Kintz should be ashamed to be the cause of keeping the girl in jail over Christmas. He further accused Deputy District Attorney Hennessy that the girl would return all clothing and return to her father if the case was dismissed. Miss Kintz was not asked to state her complaint, and was forced to be satisfied with what arrangements the detective had apparently made to have the case dismissed.

The clothes have been worn almost to shreds, and part of them were on the Bales girl. She agreed to give them back, and went into the chief's office and changed them for new clothes which the man from Vancouver had provided. Detective Hawley was severely censured by Chief Cox for his part in the affair. Miss Kintz refused to take some of the clothes back, saying they were entirely new when stolen.

Switchmen's Strike Settled. (Gated Press Lease Wire.)—The switchmen's strike on the northwestern railroads was settled this afternoon.

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SCHOOL VOTERS WILL MEET TO DISCUSS BUDGET

Many Other Questions Affecting District No. 1 Will Be Brought Up on Night of De- cember 28.

The annual meeting of legal school voters of district No. 1 will be held this year on the evening of December 28 in the assembly hall of the Lincoln high school building. The purpose of the meeting is to consider the budget of the board of education and any other matter that may be brought forward by a voter.

A tax levy of 5 mills has been recommended by the board for 1931. It is possible that this may be cut down, but not probable. The needs of the district for the coming year have been carefully investigated by the members of the board and by Superintendent Frank Rieger of the public schools and heretofore the conclusions arrived at by the board have been ratified at the annual session.

School Clerk R. H. Thomas calls special attention to the law providing for the annual meeting. It has been a prevailing opinion that any taxpayer of the district has a voice in saying what shall be done with the school funds. This is not the case. The law specifically states that the meeting shall be called for legal school voters of the district. A taxpayer may not necessarily be a legal school voter. The qualifications for those eligible to be classed as school voters are that they hold property in the district and are 21 years of age or more and a citizen of the United States.

Ordinarily at these meetings the right to vote is not challenged, but it is the privilege of any legal voter to make anyone who takes part in the proceedings show his or her right to do so. Besides the recommendation of the board to levy a 5 mill tax, there is also the question of issuing \$500,000 worth of bonds for the construction of a new high school to be voted upon.

The opportune visit of School Clerk Thomas to the county courthouse yesterday prevented the possibility of the district facing a deficit of \$36,000 next year. In the annual budget prepared by the school board the estimated receipts from the county school fund are \$305,000. This estimate was made on the basis of \$8.06 for each child between the ages of 4 and 20, in accordance with the legislative act of 1927, which fixed that amount as the minimum for each child, which the county court must levy every year. County Clerk Fields had started to make his levy on a basis of \$8 per child, this being the minimum in 1927. When his attention was called to the 1927 law Mr. Fields gladly rectified his mistake.

PATTON HOME TO FIGHT FOR LOTS

The Patton home will make a fight for lots decided to by Rebecca Peffer, who died on October 23 without a will, resisting the claims of David Louth, the sole heir, who has filed suit to have the deed set aside because given, as he alleges, without consideration. In an answer to the complaint of Luth, the attorneys for the Patton home ask that the title to the property be cleared in the name of their client, and that Louth's complaint be dismissed.

PERSONAL

William H. Crane and wife of New York city, are guests at the Hotel Portland. Mr. Crane will be seen in "Father and the Boys" at the Bungalow theatre.

W. E. Hollenbeck, a wealthy lumberman of Waukegan, Wis., is staying at the Hotel Portland. Miss J. Dickinson, of Bellingham, Wash., is a guest at the Hotel Oregon. She will spend Christmas in Portland with her brother, M. C. Dickinson, manager of the hotelery.

J. H. Vello, of the Wells-Fargo Express company, and wife, are at the Hotel Oregon. R. C. Lange, a timberman of Nehalem, Wash., is a guest at this Hotel Portland.

W. G. Thigpen, chief clerk at the Hotel Portland, returned yesterday from California, where he has been for the last two weeks. H. L. Gill and his daughter, Miss Virginia Gill, both of Woodlawn, Ore., are registered at the Nortonia today.

Judge S. F. Chadwick and family, of Olympia, Wash., is at the Nortonia hotel today. W. Sciles, president of the Hood River Railway company, of Hood River, Ore., is staying at the Hotel Oregon. Seldon Ewing, a lumberman of Timber Valley, Wash., is at the Hotel Oregon today.

R. G. Holton, son of the Minneapolis (Minn.) banker, is a guest at the Nortonia today. A. N. Orcutt, an attorney of Roseburg, Ore., is registered at the Cornell. James A. Barsh, a business man of Sagnaw, Mich., is at the Hotel Seward with his wife and family.

Mrs. J. Slater, a prominent social leader of Salem, Ore., is a guest at the Nortonia hotel.

Directly upon the organs and glands affected, it completes the cure before you realize it. The moment you suspect any kidney or urinary disorder, or feel rheumatism coming, begin taking this harmless medicine, with the knowledge that there is no other remedy, at any price, anywhere else in the world, which will effect so thorough and prompt a cure as a fifty-cent treatment of Pape's Dietetic, which any druggist can supply. Your physician, pharmacist, banker or any messenger's agency will tell you that Pape, Thompson & Pape, of Cincinnati, is a large and responsible medicine concern, thoroughly worthy of your confidence.

Only curative results can come from taking Pape's Dietetic, a few cases treatment means clean, active, healthy kidneys, bladder and urinary organs, and you feel fine. Accept only Pape's Dietetic—Fifty-cent bottles.