STARTS SUIT TO TEST THE WATER AMENDMENTS

Irving Real Estate Company Holds That Assessment Under 1907 and 1909 Law Is Illegal.

A suit to test the legality of the water amendments of 1907 and 1909, by the first of which an additional pipe line, reservoirs and meter purchases were authorized, and by the latter of which bonds may be issued in payment for mains 10 inches and over in diameter, payable from the water fund, was begun in the circuit court today.

The suit was filed by R. B. Lamson, former member of the city water board, and Richard W. Montague, as attorneys for the Irving Real Estate company. This company owns lots which have been assessed for benefits because of an eight inch main ordered on East Seventh street, between Fremont and Tillamook streets. It protests that the proposed assessment is illegal, and that the title to the property will be clouded unless the court restrains further proceedings.

Upon this complaint a hearing will be given by the presiding judge to determine whether the city shall be permanently enjoined from assessing the property. If the contention of the complaint is sustained the water main question will be further complicated by wiping out all the legislation of 1907 and 1909 on that subject.

Objections raised to the legality of the amendments are mostly technical. One point is that duties performed by the water board are functions that can only be performed by the executive board, and another is that no power is conferred for the construction of mains under proceedings by which the cost can be assessed to the property declared to be benefited.

Other objections are that no notice of the election of 1907 was given as required by law, and that the question was not properly designated on the ballot. It is alleged that both the water main amendments are void. The defendants in the suit are the city, the city council, Mayor Simon and Auditor Barbur.

FAIR VENUS IS GAY DECEIVER

(Continued From Page One.)

zon spoiled the chances of seeing the comet to a degree, as the upper air was not as clear as it would have been had there been no clouds low down.

The Journal is in receipt of a letter from Goldendale, which tells of the comet being visible there. The people of that place stood out in the night air in great numbers and watched it, the writer says, and he adds they were favored with a very fine view, though their optics were dimmed with fog. The writer says the body of the comet was about the size of a gallon bucket, and that the tail was apparently about 50 feet long. He concludes by saying that anyone who looks into the west can hardly avoid seeing the comet.

John McNulty, chief hydrographer of the local office, was not able to see the comet, though keeping a close watch for its appearance. He is of the opinion that the cloudy and hazy sky obscured the vision sufficiently to shut out the faint light of the comet.

Salem Views Wanderer.

(Salem Bureau of The Journal.)

Salem, Or., Jan. 29.—The new comet was visible for the first time from Salem last night between 6 and 7:30 o'clock, in the western sky north of Venus. Though dim at first it grew steadily brighter as darkness came on and soon after the head had disappeared below the horizon the magnificent tail could be seen spreading out toward the south, making a brilliant spectacle. Hundreds of people watched the wanderer until it disappeared. When it first appeared only a thin tail extending straight toward the zenith was visible, its fan-like end appearing later.

Albany Sees New Comet.

(Special Dispatch to The Journal.)

Albany, Or., Jan. 29.—A splendid view was had last night at Albany of comet A with its 20 degree rainbow tail. The view lasted two hours, beginning at 6 o'clock.

TAXICAB ROBBERS SHOOT TO KILL

(Continued from Page One.)

and took from it $100 which she gave the highwaymen. More than $150 in small change which was still in the safe, they did not find. All the time the robbery was going on there were probably 25 men on the premises, but they did not know what had occurred until it was all over.

The parting ceremony of the robbers was, after cutting the telephone wires, to march Mrs. Merrill, the bartender and the piano player to accompany them out in the yard. In a spirit of apparently pure bravado they fired twice into the air as they went on their way to Seven mile house.

This robbery was obviously premeditated and had been planned carefully. Fred T. Merrill, proprietor, had gone to the city to see Jeffries. There were two guns near the bar, but at the time of the robbery no one thought of them.

Second Holdup.

Manly Thompson, an attache of Seven Mile house, which is maintained by Mabel Spere, opened the door when he heard the taxicab draw up. He and another in the room were ordered to throw up their hands. Thompson was slow. The smaller robber of the two, with an oath, said: "Throw up your hands or I'll shoot you." Thompson seemed about to resist and the thug fired, one bullet entering the cheek, the other piercing the right breast.

Marks of the struggle could be plainly seen this morning and blood covered the front porch. During the scuffle Hadley, the taxicab driver, darted up the stairway and dived under the bed in one of the rooms. Here he found another man. It became evident this morning that nearly all the inmates of the place scrambled for shelter under the beds. When the robbers found their driver gone they ran for it, northwest across the fields.

Early this morning two men answering their description were seen in Troutdale. They answer to the description of the highwaymen and the officers believe them still in the woods near Troutdale, as every avenue of escape is being guarded.

Thompson May Recover.

A report from St. Vincent's hospital this afternoon stated that Thompson is resting much more easily than had been hoped for. He has a chance for recovery.

Hadley, after helping to carry Thompson into the house last night, telephoned for the sheriff and Dr. E. A. Anthony. He brought the machine back to the Oregon Taxicab company.

Sheriff Stevens is working on the theory that both robbers are Portland men who have frequently visited the Twelve Mile house. He thinks it scarcely probable that they might have succeeded in getting back to the city, as within an hour all the roads and carlines were being watched. Whether the two had others who helped them plan the holdups is a matter of doubt. The descriptions of the principals, at any rate, tally closely with descriptions given of men who have recently figured in holdups.

STOCKMAN MUST REMAIN IN JAIL

(Continued From Page One.)

cattle had been disposed of and that altogether he was not worth over and above $20 financially. Not wishing to have to prosecute the defendant on a perjury charge, Commissioner Cannon refused to administer the pauper oath, but, instead, remanded him to the county jail.

"McDonald told me he would be able to pay a fine," said District Attorney McCourt this morning when explaining his reason for resisting the application for release, "and the conclusion was reached that $2500 would be about right. He said he would raise the money. He changed his mind, however, for 10 days later he came to me declaring himself unable to pay. But I am satisfied that he has considerable property not in his wife's name and he will have to produce that fine or stay in jail 'till he rots,' as he himself put it, when first informed of our intention to resist his application.

"Testimony showed this morning that McDonald's wealth may have been overestimated at the time the fine was imposed, but he is not a pauper by any means, and he will have to produce or stay in jail."

YOUNG MAN SENT TO PRISON FOR 5 YEARS

Leon White, 21 years of age, was sent to the penitentiary for five years by Judge Bronaugh in the circuit court yesterday afternoon, pleading guilty to the charge of forgery. He is from Tillamook and has previously served a term in the penitentiary. He had circulated several bad checks, which were passed up to the court for inspection.

Jue Gui, jointly charged with George Patter with trying to bribe H. G. Wright, foreman of the jury in the Yee Gueng murder case, pleaded not guilty. By request of the district attorney, no date was set for his trial.

DR. PARKER IS OUT OF IMMEDIATE DANGER

Word was received late this morning at Dr. E. H. Parker's office saying that he was out of immediate danger, and was doing well.

Dr. E. D. Johnson sent the message from Catalina Island, Cal., where he was summoned to attend Dr. Parker, who was stricken with pneumonia shortly after his arrival there.

FEDERAL COURT TO HEAR MOTION DOCKET

For the first time in three weeks the motion docket will be called Monday morning in the federal court and those for which there will not be time for hearing will be set down for some future date.

The motion docket has been neglected for the past three weeks because of the Hermann trial having occupied the court's attention so closely. Judge Bean, who has been absent for some time, has returned.

TWO MENTIONED FOR PRESIDENT OF CLUB

Fred Rothschild and Adolphe Wolfe are both mentioned as likely men to succeed Max Fleischner as president of the Concordia club. Mr. Fleischner has been president of the club since 1903, and he feels that it is only fair to give someone else a chance.

At a meeting of the club the first of the week six new members were elected to the board of governors, while six old members held over. The six recently elected are: Fred H. Rothschild, Sol Blumauer, Newton Bissinger, J. Louisson, Milton Markewitz and Alexander Bernstein.

The six new members and the six old ones, comprising the board of governors, will meet Monday night at the Concordia club to elect the new president and other officers of the organization. The meeting will be called to order by Mr. Fleischner.

A Truss for Rupture.

In the mechanical treatment for hernia it is absolutely necessary to use a truss to hold the weakened parts in place. The truss must hold the hernia in place with no unnecessary pressure and fitted for comfort. We are expert truss fitters and can cure you. B. C. Linstrom, 493 Washington street, Portland, Or.

GREATER BAKER CITY PROMISED

Editor Kennedy Says More Beautiful Municipality Will Follow Disastrous Fire.

Great things are ahead for Baker City, according to B. E. Kennedy, editor and publisher of the Evening Herald, who came to Portland yesterday with the Jeffries party. Baker recently suffered severely from fire, losing two large department stores, but new and larger buildings are to arise from the ashes.

"An electric railway is the principal improvement coming this year," said Mr. Kennedy. "A loop is to be built in the Powder river valley, centering in Baker City. The line will serve a large area of the finest irrigated land in Baker county. Work will begin on construction as soon as the weather settles.

"The loss to the city through the fire is heavy. The Baer Mercantile company had a $90,000 stock and a similar amount was represented in the loss of M. Weil & Co. The buildings were two stories high, of brick. The loss was complete. Rebuilding will begin as soon as the debris can be removed from the burned block.

"Baker City plans to have three miles of paving down by the end of summer. Already 16,000 square yards have been laid, and contracts have been let for 20,000 more. The improvement is just beginning to be appreciated by the people who postponed the day of street improvement a little too long.

"Work is progressing rapidly on the flouring mill. Fire destroyed the other mill just after it had been opened, but no time was lost in rebuilding. The loss has been felt this winter, to both farmers and merchants. Baker City has had many eras of prosperity, but at no time has the outlook been so bright as right now. New country is being opened all around and the development along Snake river means a great deal to the town as a distributing point."

Mr. Kennedy joined the Jeffries party at Baker City and came to La Grande and Pendleton with the special train. From Pendleton the Jeffries special was made part of the regular mail train.

Entertain at Hotel Shipherd.

(Special Dispatch to The Journal.)

The Dalles, Or., Jan. 29.—Thursday evening Mesdames D. P. Ketchum, H. J. Maier and L. A. Schanno entertained about 200 persons at the Hotel Shipherd. It was the most brilliant social affair of the season. Five hundred was played and 30 tables were occupied. A substantial lunch was served. Birgfelt's seven piece orchestra played.

MARTIAL LAW

(Continued From Page One.)

ing flood, until permission is obtained from the authorities.

Much of the pitifully inadequate food supply now in the city, the authorities declare, is unfit for consumption, and its use will be attended by the gravest risk of fever and other disease. Because of the lack of outside communication it has been impossible to bring enough food into the city to feed the homeless thousands, and they are attacking spoiled and moulded provisions they have fished from inundated shops and markets, despite the vigilance of the police and military.

Terrible Conditions.

The prefect of police today conferred with members of the city's health department concerning the terrible conditions that are certain to be brought about by the receding water. It is certain that the greatest effort of the combined authorities will be made to combat the danger threatened in this quarter, believing it to be more grave than that impending in any other quarter.

UNDERGROUND PARIS: AN APROPOS STORY AND A PROPHECY

By Sterling Heilig.

Paris, Jan. 29.—At 6:30 p. m. about November 1, 1909, the corner of the rue Damremont and the rue de Tourlaque sank into the ground. Pedestrians saw a man and woman disappear. The man, 20 feet down, buried to the hips in falling dirt, heard the woman crying: "Monsieur, I am the mother of a family; save me!" The hole enlarged. Tons of debris poured in. Two policemen, let down with ropes, disengaged the man. But the woman had disappeared. The hole was 15 feet long, 12 feet wide and 30 feet deep. Police and troops made a cordon; firemen evacuated the adjoining houses; they were shored up, the hole was boarded and buttressed. At a depth of 108 feet they found the body of Mme. Chevalier—on the floor of a gallery of the ancient catacombs!

A Forgotten City Underneath.

They blame the heavy rains, undermining the surface; because, the next day a spot 10 feet square in the quadrangle of the old Louvre Palace, sank knee-deep with a crowd of tourists.

Next, two days later, a part of the Place of the Palais Royal went down three feet in the midst of pedestrian traffic. In neither case had the Metropolitan Underground Railway anything to do with the cave-ins.

How can rain so undermine a city? Paris is ancient, mysterious, with another old, forgotten city of wide-open streets, hidden under her.

Only when these periodical cave-ins occur does the world hear of the dark realm beneath the capital, greater than the Roman catacombs—the catacombs of Paris.

At this hour the Paris under-realm shelters incredible enterprises; storehouses of criminal bands; vast mushroom plantations of honest underground farmers; stored bones of generations of Parisians, and luxurious secret refuges of rich families.

The municipal engineers, to whom this dark world is a painful subject, tell the story coldly.

"At the corner of the rue de Tourlaque," said M. Lepine, "there is an ancient quarry, well known to the engineers, actually marked on the maps. Forty years ago the surface above it was judged solid enough to support the opening of a street and the building of houses. But in time the infiltration of rains has evidently weakened that surface."

Paris of Middle Ages.

It is the whole story of old Paris. The Paris of the middle ages was quarried underground for the stone built above ground. In the days of Joan of Arc there was already a subterranean labyrinth under half Paris, already a mystery, where Satanallost Hardy de Passavant and the Duke of Burgundy met the heads of the trades unions. Fantastic streets, their smooth stone ceilings 40 feet beneath the surface, emptied into vast dark halls, turned, intersected, without plan, according to the quality of the stone. Galleries dating from Gallo-Roman times had become forgotten in Gothic times—as tourists know who have stayed at a certain pension near the Pantheon.

The subterranean halls are its chief attraction. They take you to a cellar; in its floor there is a hole; down a second flight of stone steps go the tourists, candle in hand, 25 steps plus the 20 to the cellar—and we arrive in what seems a Gothic crypt, but for two great fireplaces and stone benches round the walls.

Now, observe this square stone fitting in the paving. It lifts; and a third flight leads down—to the unknown.

Not one tourist in 50 is conducted to the bottom chamber, communicating with the Gallo-Roman catacombs. The chimneys that gave air to it are choked. But those who have been down say the idea is obvious. The catacombs existed first, because forgotten, and were discovered by some dark age noble. We are in a long, clean gallery, dry and smooth, intersected by others, mostly sealed with ancient masonry, leading who knows where? It was the secret entrance, escape and storeplace of the party who found it and made it communicate with his cellar.

A friend of mine whose mother has a house in the Boulevard Saint Michel tells me how it has a small old garden, with a great stone well whose carved curb, breast high, surmounted by valuable ancient iron work, caused it to be preserved, though centuries dry.

One day while they were tunneling the Metropolitan my friend's mother was seated in her garden. Suddenly she heard voices underground, and soon a man's head stuck out of the old well. He looked round astonished, called down to his partner and the two climbed out.

"Pardon, madame," they said, "we are engineers of the Metro. Do you know what you have in that ancient well? A few feet below the surface there begins a winding stairway round its edges and an old iron handrail. It leads 60 feet down to a series of catacombs not on the map. The Metro just grazes your well casing."

Some day my friend will explore it, but at present the whole business is bricked over by orders of the less inquisitive mother.

An Underground World.

The known extent of this underground world is astonishing. Up to the twelfth century the palaces, churches, public and larger private buildings were constructed from catacombs quarried under 1500 acres of the present surface in three well known groups—under the Gobelins; under the Latin quarter, and, on the other side, the whole Trocadero quarter.

Many entrances are known, and the public is admitted, in conducted parties to that small section of the west Latin quarter whose walls are lined and many galleries packed with human bones transported from old cemeteries within 150 years. But if you would have an idea of the extent of these so-called known catacombs, here is a fact: The isolated group under the Jardin des Plantes dates from Roman times. In technical books like Dunkel's "Topography and Consolidation," it is stated to communicate with the far-off Latin quarter group; yet no map of the engineers shows it.

The public is never admitted to these insufficiently explored labyrinths, tangled by cut-offs of masonry, for who knows what purposes, in what epochs, or blocked by cave-ins that call attention, for the first time, to their existence.

The "Mushroom Syndicate."

A recent report of the Parish mushroom syndicate, published for private circulation, refers to "40 members possessing their own entrances to quarries under Paris," and speaks of their ventilation and heating. The ventilation is usually inexpensive. The old wells from which Parisians had their drinking water up to 100 years ago, are very numerous. To reach water they pierced through the neglected quarry and continued through its floor. Seen from the catacombs, such wells look like isolated pillars or a single hole in floor and ceiling. In either case, the mushroom farmers have but to clean out the choked up connection with the surface.

I like to muse on these Paris "farmers." In dirty, narrow ancient streets they have a grimy little shop, cramped and constrained. But go with them "downstairs" through the cellar, down down, through the cellar floor, 60 steps, 90 steps, and suddenly, amid electric lights, what a domain! What spacious galleries, terminating in domed halls, round or oval. Down here the man of the mean shop is lord of long streets, ceiled and floored, of interminable rows of boxes, of steam heating—mushroom plantations that flourish in the dark and bring him in a fortune.

1910 Repeats Story of 1774.

How is it that this underworld does not cave in oftener? The weaker surfaces have already caved in. In particular, around the year 1774, the cave-ins, following prolonged rains and much new building, became so numerous as to alarm the population. At the moment when a commission was examining a house in the Rue d'Enfer, it went down entire—28 yards below the surface, into an abyss.

Researches following on similar accidents disclosed that most of the streets of whole wards were in danger of breaking through. In 1776 the king created an inspection that has its offices today in Place Denfert-Rochereau. In French law the ownership of land continues theoretically to the center of the earth. This inspection service from the beginning, therefore, refused to "consolidate" private properties at the expense of the state, and its subterranean work has always been limited to filling up sections under streets and public buildings threatening to cave in. Small lateral galleries keep the communications open, but when private owners have similarly consolidated their undersoil they have often filled it up solid, choking the catacombs.

Refuges for Robbers.

By all this you judge the confusion and ignorance of this underworld of Paris. In all periods robber bands and conspirators have found sure refuges in the catacombs. In the uncertainty of the middle ages and the turmoil of the Renaissance the possession of subterranean routes assured impunity.

The "Skinners" of the time of Joan of Arc; the trades unions of 300 years before and after her; the "Free Livers" of the Cour des Miracles; the "Red Fingers" of the time of Francis I.; the "House Markers" of the time of Henri III., and the "Warmers," Rosicrucians, Freemasons and Republicans of later days, had luxurious headquarters 100 feet beneath the streets, with entrances and exits far apart, in mean shops and great private houses, cemeteries and neglected gardens.

To come down to modern times, it is known that Napoleon III. become emperor, was much embarrassed by his old connection with European secret societies working at that moment for the unity of Italy.

The world knows the story of Orsini's bomb; but the final pressure that constrained Napoleon to throw France into the Italian struggle was otherwise continuous. In the catacombs of the Chaillot quarter, whose galleries run almost under the Champs Elysees and are said, in the time of Pompadour, to have actually connected with the Elysee Palace, the Carbonari had their seat. Twice after Orsini's bomb, they say the emperor was led by old companions to the subterranean retreat. They showed him that he could be captured and held prisoner in the heart of Paris; and they are the degenerate heirs of those old anti-clerical conspirators who were carrying on the wholesale robbery of art antiques from churches at the present moment from the same underground storehouses.

The Montmartre catacombs running down nearest to the quarter of the commission houses are known to contain the storehouses of "Black Bands." They do wholesale business in all kinds of merchandise obtained on fraudulent credit, besides high class fencing.

Drayloads of boxed goods enter certain Montmartre courtyards in plain daylight—and disappear. No search could find them. They have gone down concealed elevators to a primitive little railway that runs through some old quarry gallery, five blocks, 10 blocks, to another part of Paris. Some honest commission merchant hoists them up and mingles them with other goods, all ready for shipment.

King of the Catacombs.

There is even a persistent Paris rumor of "R. C."—"the King of the Catacombs." In the version used by Gaston Leroux he is chief of a disciplined army of foreigners, counterfeiters, burglars and abductors for ransom, attacking only the very rich and operating without scandal. In the quarter of the Pantheon where superposed galleries exist below the level of the Metro, the King of the Catacombs has a secret chamber. Surrounding it, in a circle, are the headquarters of each of his sections, watched and overheard by "R. C.," when he pleases through a circle of peep holes.

This vast conspiracy, which utilizes equally young men of good society as indicators, clerks of public services as spies, physicians to give false certificates and bands of Apaches to muddle clues of expert burglary, has experts to work its counterfeiting presses, execute its forgeries and frauds on insurance companies.

The work is done in leisurely impunity 100 feet beneath Paris. Electric lighting, steam heat, scientific ventilating, vast underground kitchens, heavy carpets and hangings, luxurious furniture in sleeping rooms and club rooms makes this realm of "R. C." seem like pipe dream romance. But the police know its existence and are powerless. The catacombs are a maze, a labyrinth, tangled with masonry and cave-ins!

One of the most persistent tales among the common people is that of the subterranean chambers of the rich. The Rothschilds are the family regularly cited. Every Paris workman knows that the Rothschilds are prepared for anarchy and revolution in magnificent underground retreats, accessible from their cellars.

Some Underground Havens.

Well, there is proof that there are such retreats. There is a photograph. The man who took it has no knowledge of where he took it. He was conveyed to the place by night; and he was paid to do the work.

For the rest, the photograph speaks for itself. One room is seen; he photographed six others, en suite. In the center of the background, this suite is apparent. He thinks that the separation walls, being eight or nine feet thick, consolidate the old gallery roofs like pillars.

The rich Parisians who have this sure retreat, away down below the cellars of their house, can simply disappear. Ventilation by a dozen different chimneys is so hidden that it could not be suspected. Food and fuel for six months are stored in the great kitchen, from which all the rooms are heated.

"What is it for?" asked the photographer.

"For safety!" was the only answer.

And the Prophesy.

Subterranean Paris! It is a wonderful place, concealing mysteries, honest and dishonest, equally enticing to the imagination. It has been long known, long forgotten. It has enjoyed long impunity. But now that the Metropolitan Underground Railway is throwing its branches, literally, under the entire capital, the supporting surfaces that were just strong enough are being weakened. A few streets have caved in. There will be more. You will hear lots more of Subterranean Paris.

San Francisco's Relief Fund.

(United Press Leased Wire.)

San Francisco, Jan. 29.—More than $3000 has been raised in San Francisco for the benefit of those made destitute by the floods that are sweeping Paris, according to an announcement by the committee in charge of the subscription list. Former Mayor Edward Robson Taylor, with a gift of $100, was one of the first subscribers. Raphael Weill, chevalier of the Legion of Honor, handed in his check for $500.

That the relief fund being collected here will be acceptable in the stricken city was evidenced by the following reply to a cablegram to Paris dispatched by the French consul general, Henri Merou, offering aid:

"Product of a subscription will be received with gratitude."

Better investigate Swastika now, while the price is low.

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It is invaluable for overworked men, delicate women and sickly children. It strengthens and sustains the system, is a promoter of health and longevity, makes the old feel young and keeps the young strong.

If in need of advice, write Medical Department, The Duffy Malt Whiskey Company, Rochester, New York, stating your case fully. Our doctors will send you advice free, together with a valuable illustrated medical booklet, containing rare common sense rules for health which you cannot afford to be without, and some of the many thousands of gratifying letters from men and women in all walks of life, both old and young; who have been cured and benefited by the use of this great medicine. It is sold everywhere by druggists, grocers and dealers or shipped direct for $1.00 per large bottle.

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