

HIGHWAY CROSSING UNDER TRACKS MAY CAUSE DIFFICULTY

John Loser Complains to the Court That Subway Is Contrary to Law.

CONTRACTS IN JEOPARDY

Asserts That Changes in Grade May Not Be Made Save on Petition of 12 Property Owners.

If contentions made today by Attorney Walter Gleason, representing John Loser, should be upheld by Circuit Judge Davis, many complications may confront the county commissioners over cuts and fills that have been made on the Columbia river highway, the highway and other roads being improved and hard surfaced.

Loser owns property where a cut is being made for an under-crossing at Fairview. The road is to go beneath the railroad tracks. Loser obtained a writ of review, thus stopping work on the crossing until the matter is determined by the court.

Attorney Gleason contends that under the provision of a law passed in 1906 the county commissioners or roadmaster cannot change or alter a grade without certain reports of surveyors and viewers. Judge Davis held this applied only in cases where the location of the road was to be changed. Then Gleason contended that under a law passed in 1903 a cut or fill could not be made without petition of 12 or more property owners. This point is being looked into by the court.

Deputy District Attorney Murphy declared that if this contention is right, nearly all the contracts made by the county for hard surfacing roads would be illegal.

It is expected Judge Davis will decide the case this afternoon or tomorrow morning.

TWO DIVORCES ARE GRANTED

Cruelty Basis of Decrees; New Actions Filed.

On the grounds of cruelty, divorces were granted as follows: E. E. Hesen vs. Margaret B. Hesen, married at Vancouver, B. C., in 1908; Charles O. Franken vs. Ada Franken, married in Portland in 1904, the father being given possession of the only son.

Suits for divorce were filed as follows: Stella M. Barker vs. John E. Barker, married in Jackson county in 1896, three children, cruelty, \$20 a month alimony; Grace A. Graves vs. George A. Graves, married in New York in 1886, cruelty, Rose Shapiro vs. Abraham Shapiro, married in Russia in 1906, four children, cruelty, \$16 a month alimony.

Attack Street Assessments.

Suit for \$1000 damages and a restraining order was filed against the city today by P. A. Kennedy and Alec Robert, who own property on Fifteenth avenue southeast, which has been improved from Seventy-fourth to Eightieth streets. They allege that a street 30 feet wide was dedicated to the city, while the city has improved a street 60 feet wide, thereby taking 30 feet which did not belong to it. They ask an order restraining the city from collecting the assessments against their property for the improvement.

Keats Seeks New Trials.

The Keats Auto company today filed motions for new trials in the suits for damages for personal injuries brought against the company by Mollie Albright and M. Merriman. Hearings were awarded the women. The motions are based on allegations that the

amounts of damages are excessive, that insufficient evidence was introduced to justify the verdicts, and that errors were made in the law.

Would Force Mortgage Filing.
The Mortgage Company for America, of The Hague, Holland, this morning filed suit in federal court to compel the filing of a mortgage on lands in Lane county, owned by Hans T. Christensen. Christensen borrowed \$20,000 on the land from the company April 1, and the complaint relates that the mortgage has not yet been filed.

Failed to Pay Alimony.
H. K. Sargent, attorney, was cited before Judge Davis today because he has not paid the alimony allowed his wife in her decree of divorce. The court gave him until next Tuesday to pay the amount due.

Murder Case Completed.
Deputy District Attorney Collier completed the closing argument in the Louis Wing Chinese murder case today noon. The case will go to the jury this afternoon, following instructions given by Judge Morrow.

T. G. Ryan's Mother Dead.
Deputy District Attorney T. G. Ryan received a message today advising him that his mother died this morning at her home in Minneapolis.

Speeder Fined \$15.
Frank Kelt was fined \$15 today by District Judge Bell for speeding in an automobile on Sandy road.

Grand Jury Continued.
Judge Morrow today continued the April grand jury to serve during May.

HIPPODROME CIRCUIT OPENING HERE IS SET FOR ABOUT MAY 14

Resident Manager Fountain Says Movies and Vaudeville Will Be High Class.

Opening of the Hippodrome circuit in Portland in the playhouse at Broadway and Yamhill streets, now occupied by the Orpheum, has been tentatively set for May 14, according to Lester J. Fountain, resident manager of the Hippodrome at Los Angeles, who is here to make arrangements for the opening.

"We shall show a complete bill of motion pictures and six acts of superior vaudeville," said Mr. Fountain this morning, "starting with the pictures about 1:30 o'clock in the afternoon, following with the vaudeville acts, and then showing the pictures again, throughout the afternoon and evening."

"Our afternoon price will probably be 10 cents and our evening admission 15 cents, with reserved boxes and logs at a slightly higher rate."

"We shall have nothing but feature films, showing the biggest stars, and have contracted for a number of splendid attractions, including the Pathe Weekly. Our vaudeville acts will be of excellent quality."

Adolph Ramish, a Los Angeles millionaire, who is interested in the Hippodrome circuit, will be here for the opening. He is now in Seattle, assisting in getting things under way in that city.

Workmen will begin enlarging the operating room of the new Hippodrome and making other alterations immediately after the closing of the Orpheum circuit Saturday night.

City to Send Man.

The city will send a member of its milk inspection division to attend the annual convention of Northwest Dairy and Milk Inspectors to be held in Vancouver, B. C., from May 12 to 15, according to a decision reached by the council today.

CITY WILL PROBABLY ACCEPT THE OFFER OF SITE FOR GOLF COURSE

Ladd Estate Will Provide 151 Acres, Municipality to Put Grounds in Shape.

TO MAKE SMALL CHARGE

Money Derived From Fees for Using Course Will Be Used for Its Upkeep.

The offer of the Ladd estate to allow the city the free use of 151 acres in East Moreland for the establishment of a municipal golf course was presented to the city council this morning. The offer probably will be accepted as the council ordered that an ordinance be prepared authorizing an agreement between the city and the Ladd estate for the use of the property.

This is the same tract that the Ladd estate, several months ago, offered to the city provided it would pay the taxes on it while the city used it. In the new offer the Ladd estate will pay the taxes itself and the only expense the city will be put to is putting the grounds in shape and maintaining them. The offer is for a five year use of the tract.

Provided the agreement is made, the city will establish an 18 hole course. A slight charge for using the course will be made as is done in other cities and the money used toward maintaining the course.

It is estimated that it will cost about \$7000 to establish the course and of this amount \$3000 is expected to be raised by subscription among the golf enthusiasts.

T. Morris Dunne, representing the Multnomah Amateur Athletic club; Victor Johnson, representing the Waverley Golf club; Dr. Jonah B. Wise, representing the Tualatin Country club, and Dr. M. C. Holbrook, representing the Portland Golf club, were instrumental in getting the Ladd estate to make the offer. This same committee also proposes to secure the \$3000 by subscriptions.

The offer was made to Commissioner Baker by Frederick H. Strong, representing the Ladd estate, and in turn transmitted to the council. Any appropriations to be used to establishing the course will have to come from the city's general fund, as there is no appropriation in the park funds for this purpose.

COUNCIL SELLS CONCESSION

Mrs. S. W. Burnett Gets Summer Park Refreshment Privilege.

Mrs. S. W. Burnett offered to pay the city \$750 for the privilege of selling refreshments in the park during the summer. After bidding, she concluded that was too much to pay, but as the city council had already accepted her offer, she had to forfeit her \$75 bond.

The council then had to seek new proposals. Mrs. Burnett bid again, this time offering \$400 for the privilege. The offer was presented to the council today, and as it was the better of two submitted, she was awarded the contract.

TEN PHYSICIANS ARE NAMED

To Permit Children to Return to School After Illness.

The 10 physicians to issue permits to school children to allow them to return to school after absence on account of illness, have been appointed by Health Officer Marcellus. They will each receive \$15 a month and are: Dr. L. E. Graves, Holbrook building; Dr. John S. Johns; Dr. Ralph Moore, 519 1/2 Williams avenue; Dr. L. O. Roberts, 146 1/2 Killingsworth avenue; Dr. F. Fisch,

Burkhardt, Burnside street, between Grand and Union avenues; Dr. O. A. Hess, 3323 Ninety-second street southeast; Dr. R. S. Stearns, 162 1/2 East Thirtieth street; Dr. J. L. Le Fever, 55 East Eighty-first street north; Dr. W. R. Shinn, 1294 Belmont street; Dr. Fred A. Llewellyn, 222 1/2 North Sixteenth street; Dr. Leon Wolff, 593 1/2 First street.

PUZZLE IN CIVIL SERVICE

Henry Becker Can't Work, Yet Is Entitled to Job.

Unable to do a hard day's work, yet eligible for work under civil service rules, Henry Becker, for 13 years a laborer in the water bureau, has presented a new puzzle to the city commissioners. It probably will be solved, however, by giving Becker, now 67 years old, a pension for the rest of his life.

Commissioner Daly explains that Becker has the right to work for the city under the civil service rules but he is not capable of doing strenuous work as is required of many laborers. Daly would have the city pay Becker \$25 or \$30 a month pension with the understanding that he is to do no other work for compensation as long as the pension continues.

COUNTY MAY GET CONTROL

Benson Park and Other Columbia Highway Land Included.

If the city can turn Benson park and other property along the Columbia river highway controlled by it over to the county, it will do it. The county has been asked to take over the property when Commissioner Baker's motion, City Attorney La Roche was instructed to determine whether there are any legal obstacles to the transfer of the property to the county.

Commissioner Baker explained that the city limits and should really be controlled by the county. The other members of the council agreed with him.

GURR CASE IS DEFERRED

Question of Punishment Not Yet Settled.

Although Commissioner Dieck has asked that the civil service board give its decision in the case of Harry Gurr, discharged sewer inspector, the board has deferred action for two weeks. It is said that the board is not agreed as to Gurr's punishment. The board recently held that Gurr was guilty of the charges, but held that others of the department of public works were equally guilty. The board made a number of recommendations concerning the discharge of some of these others, but Commissioner Dieck has refused to follow the recommendations.

TO DISCUSS MARKET RULES

Increase in Rental Charge Has Been Proposed.

The new rules for the Yamhill street public market proposed by Commissioner Bigelow are to be discussed by the city council this afternoon. One of the principal changes is increasing the weekly rental of booths from 10 to 15 cents.

The new rules also provide that agents of producers must speak English and that weekly reports of business be filed with the market master.

H. C. Allen Given Chance.

If H. C. Allen can prove to the civil service board that he did not resign from the position of elevator man at the city jail in the face of charges against him, he will be permitted to remain at the top of the civil service eligible list. If he cannot prove it, he will lose his place. Chief Clark charged Allen with having stolen property in his possession, and then Allen returned to school after absence on account of illness, have been appointed by Health Officer Marcellus. They will each receive \$15 a month and are: Dr. L. E. Graves, Holbrook building; Dr. John S. Johns; Dr. Ralph Moore, 519 1/2 Williams avenue; Dr. L. O. Roberts, 146 1/2 Killingsworth avenue; Dr. F. Fisch,

Grade Crossing Issue.

The city council Monday afternoon will attempt to effect a settlement between the O-W. R. & N. and the Portland Railway, Light & Power company as to the proportion of costs of the elimination of grade crossings along the O-W. R. & N. tracks. Sixty per cent of the cost is to be borne by the railroad companies, but they have been unable to come to an agreement. The council today fixed the time for hearing.

Rate Hearing Postponed.

The meeting of the city council to decide on a proper rate to be paid by the Portland & Oregon City Electric railway company for common use of the Southern Pacific tracks on Fourth street, will come up in two weeks. The meeting was postponed at the request of officials of the Portland & Oregon City company.

Larson to Pass on Pictures.

J. Fred Larson, secretary of the membership committee of the Portland Chamber of Commerce, and well known real estate dealer, has been appointed member of the local board of motion picture censors. He takes the place formerly occupied by Sol Baum, resigned.

Becker to Get Pension.

Henry Becker, a laborer of the water bureau, is to receive a pension of \$1 a day, according to a decision of the city council today. Becker is 67 years old and entitled to work under the civil service rules but, according to Commissioner Daly, is incapable of doing a hard day's work.

Pool Room License Refused.

The city council today refused to issue a license to J. R. Halley for a pool room at 737 Alberta street.

Coos Bay Becoming Hunters' Paradise

Forests Full of Game and Streams Teem With Trout, Says State Game Warden.

State Game Warden Carl D. Shoemaker returned this morning from an official trip to Coos Bay, where he conferred with the sportsmen of Marshfield and North Bend over the impending heavy influx of fishermen and hunters.

"Coos Bay is destined to be Oregon's sportsmen's paradise," declared Mr. Shoemaker today. "The many streams and lakes are full of trout. The forests are full of game. But that is not always to be so unless they are conserved."

The fish car "Rainbow" is to be taken to Coos Bay as soon as the Southern Pacific's new line is connected up by the bridge across the Umpqua. This, however, will not be much before mid-July. Mr. Shoemaker said a 250,000-acre fishing tract will be planted in the streams tributary to the bay this season.

FISHERIES COMPACT RATIFICATION LOOKED FOR IN HOUSE MAY 1

Issue Is Not Dead Despite Tie Vote in Senate Fisheries Committee.

LANE OPPOSED MEASURE

Oregon Senator, However, Was Surprised as Result and Said Delay Was to Afford Full Hearing.

Washington, April 23.—(WASHINGTON BUREAU OF THE JOURNAL)—While the senate fisheries committee laid the Columbia river fisheries compact on the shelf by a tie vote the other day, the issue is not dead. If the committee itself does not take the initiative in reviving the matter, it is believed the house of representatives will pass the ratification resolution and send it over to the senate, where it will in natural course be referred to the fisheries committee.

The delay encountered in securing consideration in that committee and the inconclusive result of the tie vote has caused some friends of the proposed compact to suggest that the house resolution, when it comes over, may be sent to some other committee than the fisheries body.

To Afford Full Hearing.

Senator Lane of Oregon, chairman of the fisheries committee, asserts that the only delay was caused by a determination to afford full hearing to all persons interested, and was not inspired by opposition to the agreement. While Lane voted against the Chamberlain resolution to ratify the agreement, he was evidently surprised as much as anyone else by the tie vote, for he had expected that a favorable report would be authorized. This, it is understood, would have been the result in fact if all members of the committee had been present. Lane, Works and Husting voted no, with Johnson of Maine, Jones and Curtis voting yes. The absentees were Fletcher, Martin and Burling, and it is reported that Burling and Martin will furnish the necessary votes to ratify if all members of the committee are later assembled.

Husting Opposes Vested Rights.

Even as it was, there would have been a favorable vote had an amendment proposed by Hustling of Wisconsin, been adopted. Hustling wanted a provision specifically declaring that no vested rights should be construed to be granted under the agreement. Other members of the committee thought this unnecessary and superfluous, but Hustling would not vote to ratify without it.

Works of California, who has a tender case for state's rights, was doubtful as to the power of congress to ratify such a compact, he said, fearing it was an encroachment on the rights of a state.

Abdication of Rights.

Senator Lane based opposition on the feeling that the existing fish laws of Oregon and Washington might be improved, and upon the idea that the people of the state, by agreeing to make no change without the consent of another state, would in a sense be abdicating the rights they have reserved to themselves.

It is expected that the house will take up the compact and ratify it on Monday, May 1, the next unanimous consent day in that body. If objection is raised, friends of the agreement say, they can command votes enough to suspend the rules and go ahead with consideration.

NEW REGULATIONS FOR EXCURSION BOATS IN BILL BEFORE HOUSE

Washington, April 23.—(WASHINGTON BUREAU OF THE JOURNAL)—New regulations regarding passenger vessels, particularly those engaged in excursion traffic, are fixed in a bill reported from the house committee on merchant marine.

One change is that the supervising inspector must approve, in all cases, the number of passengers a vessel may carry. Under the present law the local board of inspectors is given final authority.

Another change is to make the regulations apply to "vessels" instead of to "steamers," so that motor and sailing vessels will be included hereafter, if they carry passengers.

The bill amends sections 4464, 4465 and 4466 of the revised statutes. The local inspectors are required to state in their certificate of inspection how many passengers may be carried with prudence and safety, and their findings must be given to the supervising inspector for approval. Penalties are fixed for masters or owners who take on board more persons than the number named in the certificate. The passenger excursion vessel section is given in full:

Section 4466.—If any passenger vessel engaged in excursion in the board of local inspectors shall issue to such vessel a special permit, in writing, for the occasion, in which shall be stated the additional number of passengers that may be carried and the number and kind of life saving appliances that shall be provided for the safety of such additional passengers; and they shall also, in their discretion, limit the route and distance for such excursions; provided, however, that the issuance of such special permit shall be reported by the board of local inspectors to the supervising inspector of the district, and such special permit shall not be effective until approved by the said supervising inspector.

To Chart Alaska Waters.

Washington, April 23.—The coast and geodetic service announces that two wire-drag parties have departed from Seattle for Alaskan waters to take up the season's work in charting hidden dangers to navigation. They will work in Clarence and Sumner straits, while the survey steamer Paterson will work in waters tributary to Clarence strait and the survey steamer Explorer on the west coast of Prince of Wales island.

Record Salmon Catch Made.

A 21 pound salmon was landed at Oregon City yesterday by Herman Matthews of 228 Third street. It is believed to be the record fish for the season thus far. Mr. Matthews caught three chinook salmon yesterday that aggregated 50 pounds, his 21 pounder among them. The catch was made after two weeks of unsuccessful fishing.

Miss Hendricksen Still Holds the Lead

Foresters of America Give Candidate for Rose Festival Queen Strong Boost—She Will Appear at Theatre.

Miss Lillian C. Hendricksen, candidate of the Foresters of America, leads in today's count for queen of the Rose Festival. Miss Hendricksen will appear at the Columbia theatre tonight in the interests of her candidacy. A percentage of the receipts will go toward purchasing votes for her.

The sale of double value buttons, 200 votes for 10 cents, closes absolutely at 9 o'clock tomorrow night. The latest count, at 10 o'clock this morning, shows the standing of the candidates as follows:

Lillian C. Hendricksen, Foresters of America, 77,775
Louise Taylor, Foresters of America, 76,936
Mrs. Maud Giffman, G. A. R., 74,096
Jewell Carroll, Ladies, 74,096
Edel Fraasch, Eugene, 64,848
Mildred Pettit, Vancouver, 64,848
George White, Corvallis, 64,265
Rose Uptegrove, Oregon City, 61,988
Muriel Salling, Pendleton, 61,658
Waive Jacobs, Klamath Falls, 56,624
Eleanor Jackson, Modern Foresters of America, 40,202
Marion Anderson, Albany, 30,274
Ann B. Alto, Metropolitan Life, 23,299
Myrtle McClarkin, Rose City, 309

Find Body at Salem.

Salem, Ore., April 23.—The body of Frank Miller, thought to be a former resident of The Dalles, was found in a barn east of the feeble-minded institution Friday morning, and Coroner Clough decided, after an investigation, that death was due to heart disease. Miller had worked as a painter in Salem.

When writing or calling on advertisers please mention The Journal.

JACKSON CLUB WILL HOLD A MAY DAY MEETING MONDAY

Program Will Be Handled by Younger Members of the Organization.

SPEAKERS ARE NAMED

Reed College Debating Team to Discuss Some Subject; Musical Entertainment Is Arranged.

The Jackson club will hold a May-day meeting at the Central library hall Monday evening, May 1, at 8 o'clock. The meeting has been given into the hands of the younger members of the club and the program will be handled by them.

A committee consisting of William Maurice Hudson, chairman, H. L. McCoy, Lillian Hackleman, Edwin Thomas, A. F. Flegel Jr., J. K. Carson and John Howe has been appointed to manage the meeting. The Reed college debating team will debate some question of public interest.

A musical program will be furnished by Daniel J. Wilson, baritone; Gary Kelley and Ethel Kiesel, violin and piano.

piano: Mrs. A. Campbell Martin, soprano; Mrs. R. F. Gough, contralto, and others.

JOHN C. MCCUE MAKES REPLY

Puts Own Construction on District Attorney's Office Figures.

In answer to a statement made by C. W. Robison at a meeting of the Lincoln Republican club last night that the district attorney's office had handled about 12,000 cases since January 1, 1912, John C. McCue, candidate for the nomination for district attorney, declared that most of the cases were of such a petty nature that comment is hardly necessary.

"The majority of these cases were police court cases that it was easy to dispose of at the rate of 40 to 50 a day," said Mr. McCue. "In the circuit court work, where the cases are more important, the district attorney's office disposed of only about 1940 cases. Of this number about 600 were dismissed by the grand jury after the accused were bound over, and about 700 cases were dismissed after indictments had been returned. There were around 115 acquittals included in the 700 cases. There were approximately 570 cases in which pleas of guilty were entered. Out of the entire number of circuit court cases there were only about 160 convictions."

In Behalf of Judge Littlefield.

A large and enthusiastic meeting of supporters of Judge E. V. Littlefield, candidate for the Republican nomination for congressman, was held here last night. Frank McCue, who was elected president, Wilmot K. Royal was chosen vice president and William I. Harrison secretary. An executive committee of seven or eight will direct an active and aggressive campaign in every precinct in the city. Headquarters are to be opened at 909 Wilcox building, where voters may sign the membership roll.

New Victor Records for May

Out
Victor

today

"O sole mio" by Caruso
A charming waltz by Kreisler
A new Sousa march by Sousa's Band

and 85 others including
10 beautiful instrumental selections
10 lively new dance records
10 charming concert numbers
16 choice popular songs
2 exquisite symphony movements
4 magnificent operatic arias
6 instructive educational records
4 excellent gospel hymns
3 stirring band numbers
5 humorous songs and sketches
2 entertaining children's records

Hear these new Victor Records today at any Victor dealer's. He will gladly give you a complete descriptive list and play any music you wish to hear.

Victors and Victrolas \$10 to \$400.

Victor Talking Machine Co., Camden, N. J.

New Victor Records demonstrated at all dealers on the 28th of each month

Victrola

The instrument of the world's greatest artists

Important warning.
Victor Records can be safely used on Victrolas only. They are not to be played on other records or on other reproducing plants.



Sold for Marriage

A colorful story of Russian peasant life, detailing the romance of Marfa and Jan—a tale of burning love and thrilling rescue.

LILLIAN GISH as MARFA

Two Comedies

Cecil Lean—Cleo Mayfield
Blue Paradise Stars
in the
Fable of Adelbert and the Tire

A Bath House Blunder
The Keystone Scream—
A Fast, Furious, Two-Reeler
That Makes You Hold Your Seat

COLUMBIA

The Theatre Beautiful—Sixth at Washington