PORT'S AUTHORITY TO ESTABLISH BUNKERS FOR COAL AT ISSUE

Suit for an Injunction Filed in the Circuit Court on Behalf of a Local Taxpayer.

LITIGATION IS FRIENDLY

Question of Supplying Ocean-Going Ships With Coal Important to Port Development, It Is Argued.

To test in the courts the question of whether the Port of Portland has legal authority to expend funds raised by taxation for buying a site and providing coal bunkers and coal for supplying ocean going vessels with fuel, suit for a writ of injunction was filed in the circuit court late yesterday afternoon.

John H. Stevenson appears as plaintiff, while the port and the members of the Port of Portland commission are the defendants. The suit is an entirely friendly action, begun at the instance of the port commissioners, who are employing the attorney representing Stevenson.

October 12, 1916, the Port of Portland commission adopted a resolution in favor of purchasing a site and establishing coal bunkers.

In his application for an injunction, which was filed by Attorney M. E. Crumpacker, Stevenson alleges that such procedure on the part of the port commission would cause him, as a taxpayer, irreparable damage and deprive him of his property without due process of law.

He alleges that the charter provisions of the port giving it powers to do this thing are in violation of both the state and federal constitutions.

At the same time the complaint was filed and answer and demurrer to the answer were filed. Attorneys Wood, Montague, Hunt & Cookingham prepared the answer.

In the answer, the attorneys for the port say, in part:

The best bunker coal produced on the north Pacific coast comes from the north coast of Vancouver island, B. C., and one of the best grades of this Vancouver coal is known as Comox coal.

This Comox coal can be purchased at The Comox mines at an average price of $4.25 per ton, and it is sold to steamers at Puget sound ports at an average price of $4.75 a ton, which enables steamers of Puget sound ports to obtain this coal at an average price of $1 or $1.50 a ton less than they can obtain it in the port of Portland.

It is the plan of this defendant, the Port of Portland, to use the spare time of one of its tugs in towing coal in barges from the Comox mines to the Port of Portland and this defendant believes that the actual cost of transporting this said Comox coal from Comox to the Port of Portland, exclusive of interest and insurance on barges and towing equipment, will be about 50 cents per ton, and that the price at which it can sell said coal to ships in Portland, namely, about $4.75 a ton, will be on a parity with the Puget sound prices.

The Port of Portland has spent years of effort and millions of dollars in dredging a channel from Portland to the sea, and that channel is now better than it has ever been before, and has 30 feet of water in its shallowest parts; and yet these fine facilities for commerce are not bearing the fruits that they should.

Woman Loses Suit.

Mrs. Eugenie P. Joubert lost her breach of promise suit against Ernest Descamp, which was concluded in Judge Gantenbein's court yesterday afternoon. She sued for $25,000. She alleged a promise of marriage was made June 4, 1915.

Divorce Suits Filed.

Suits for divorce have been filed as follows: Anna Maria Sandstone vs. John Sandstone, married in Sweden in 1910, cruelty, asks $25 a month alimony; F. W. Orpin vs. Willula Orpin, married in Portland in 1913, cruelty; Jennie Nielsen vs. Nicholas P. Nielsen, married in Vancouver, April 30, 1915, desertion.

PRISONER RELEASED FROM JAIL WITHOUT COURT'S KNOWLEDGE

Judge Had Previously Declared Man "Ought to Lay in Jail Until He Rots."

COMMITTED FOR CONTEMPT

Edward Ralston Was Being Held for Failing to Pay Alimony to Wife; Deputy Sheriff Frees Man.

Seneca Fouts, attorney for Edward Ralston who has been in the county jail for several weeks in contempt of court because he refused to pay his wife the alimony ordered by Judge McGinn, slipped one over on Judge McGinn and the sheriff's office yesterday, it appears, and got his client out of jail without the court knowing anything about it.

Attorney John L. Bozorth, representing Mrs. Ralston, said today he would hold Sheriff Hurlburt liable on his bond for the rearrest of Ralston.

Judge McGinn committed Ralston to jail November 2 for contempt. A week or so later Attorney Fouts sought to obtain his release and McGinn said the man ought to lay in jail "until he rots."

Fouts gave notice of appeal. Yesterday an appeal bond was filed, and Fouts took it to a deputy sheriff and asked for the release of Ralston, who was given his liberty. This was about noon. At 2 o'clock Fouts and Bozorth appeared before McGinn and argued points relating to the bill of exceptions in connection with the appeal. Fouts never hinted that his man was already out of jail, and Judge McGinn told Fouts he would not release him unless he made some agreement with Bozorth.

Judge McGinn said today he made no order to relase Ralston and he didn't know how he got out.

Bozorth said the bond put up by Fouts merely guarantees payment of the costs of appeal and does not guarantee the appearance of the defendant.

Deputy Sheriff Thompson said he called Deputy District Attorney Pierce on the telephone and asked him about the bond before he released the prisoner and Pierce supposed it was all right.

Sheriff Hurlburt is investigating the matter today.

HARDWOOD TRUST CHARGED

Defendant Explains His Reason for Reentering Business.

Charges that a hardwood flooring trust is controlling the business in Portland, is made by G. P. Eisman in an answer to a complaint filed against him by the Belcher Hardwood Floor company.

Eisman sold his hardwood flooring business to the Belcher concern in 1913, and agreed not to reenter the business in this field for 25 years. He has since reopened a business and contends his agreement is not binding.

Mr. Eisman, who is represented by Attorney G. E. Hamaker, alleges that the Belcher Hardwood Floor company, the Emerson Hardwood company and the Portland Hardwood Flooring company compose the local trust and are putting on the market inferior Japanese oak flooring at the same price of superior eastern oak flooring.

FUND CREDITED TO COUNTY

"Splits" Not Held in Personal Account of Tax Collector.

County Treasurer John Lewis says the money accumulated from "splits" when he was tax collector was never held by him in his personal account in the bank, but remained in his account as tax collector.

This week he turned the money, which amounted to $608.60, into the county general fund. To do this he drew a check signed by John Lewis, tax collector, and payable to John Lewis, county treasurer, and deposited it in the county funds.

The $302.04 which was turned over to him by William Frazier, who was sheriff and tax collector 15 years ago, Mr. Lewis said has been held as a trust fund. It also is now being placed in the county's general fund.

EARLY CLOSING LIST IS NEARLY ABOLISHED BY FAIR ASSOCIATION

Another Move Made Is to Indorse "Every Heat a Race" Plan.

The North Pacific Fair association at its morning session today at the Imperial hotel abolished the early closing entry list in all fairs, except the one to be staged at Vancouver, B. C. Because the Vancouver fair is the first on the list the privilege of having an early closing entry list was given it.

The association also went on record as favoring uniform racing events. The events, listed in the resolution are trotting and pacing, 2:15, 2:20, 2:25 and free-for-all. All races, except the free-for-all, will be under the "every heat a race" plan.

Governor Withycombe addressed the delegates, dwelling upon the importance of the success of the state fairs.

The committee on resolutions recommended that the association go on record before the National Trotting association and American Trotting association as indorsing the "every heat a race" plan. The 1918 meeting to be held on the second Friday in January was awarded New Westminster.

Extra Clinics Will Test Lung Weakness

Visiting Nurse Association Arranges Two Consultations With Portland Physicians for Tuberculosis Patients

The Visiting Nurse association will hold two special clinics for the examination of those persons who feel they cannot afford an examination in a physician's office, and who are fearful they may have tuberculosis.

The clinics for adults, both men and women, will be held tonight at 7:30, with Dr. Ray Matson in charge, at the free dispensary, Fourth and Burnside streets. Dr. Lawrence Selling, Dr. William Knox and Dr. Homer Coffen will assist.

These special clinics will not interfere with the regular tuberculosis clinics, which will be held as usual on Tuesday and Thursday afternoons at 1:30 o'clock, when Dr. Matson and the other physicians will make lung examinations.

The other clinic for children will be held at the Neighborhood house dispensary, Woods street, between First and Second, next Saturday morning from 9 to 12. Dr. James Rosenfeld will have charge, with the assistance of Dr. Joseph Bilderbach, Dr. Robert Hall and Dr. Charles Moore.

Federal Reserve Is Favored by Bankers

That the federal reserve system in the short time of its operation has shown its merits and benefits was the concensus of opinion at the semi-annual meeting of group 1 of the Oregon State Bankers' association held at the Multnomah hotel today.

The indorsement and support of the federal system came in the discussion, in which local bankers participated, after an address by C. J. Shepherd, assistant cashier of the federal reserve bank at San Francisco, on "The Check Collection Problem."

Other speakers were E. E. Flood of Spokane, who reviewed the work of the agricultural committee of the Washington Bankers' association; William A. McRae of the Bank of California, who urged the establishment of note circulation; C. E. Spence, who emphasized the excellence of the rural credits bill; C. C. Chapman and F. N. Shepherd of Lewiston, Idaho.

IMPORTANT REFORMS ARE URGED BY BRYAN SPEAKING AT DINNER

Exclusive Federal Railroad Regulation Control and Militarism Menace Condemned

PRESIDENT SENDS LETTER

Democratic Members of Congress and Officials Praise Former Secretary's Work at Affair in His Home.

Washington, Dec. 7. — Nation-wide prohibition, a woman suffrage amendment, election of president by direct vote, a less formidable method of amending the constitution and a referendum on proposed declarations of war were advocated by William Jennings Bryan at a dinner here last night. The dinner was given in his honor by Democratic members of congress and other officials.

Exclusive federal control of railroad regulation and militarism he condemned.

"An effort is now being made by the railroads to secure legislation, and if necessary a constitutional amendment, depriving the states of all regulative power over them, and giving to congress exclusive control over railroad regulation," said Mr. Bryan. "The consolidation of all railroad legislation at Washington would not only transfer to the national capital an amount of work which would overwhelm the national authorities, and therefore decrease the efficiency of federal supervision, but it would bring a railroad influence to the elimination of every congressman and every senator as well as intensify the railroads' interest in presidential campaigns.

Militarism Called Menace.

"It would do more than that. It would practically obliterate state lines and lead to a centralization which would threaten the very existence of our dual form of government.

"We cannot afford to shut our eyes to the menace of militarism as it is now presented. A large increase in the number of army and navy officers drawing salaries for life and trained in a profession which teaches reliance upon the steel blade rather than upon the sword of truth, tends to substitute false standards of honor for the more peaceful standards that prevail among the producers of wealth.

"It is not unnatural that the magnifying of the profession of arms should give support to the proposal for universal military service, a system which is not only unnecessary but the adoption of which could not fail to breed that military spirit which has contributed so largely to the encouragement of war in other lands."

The publication of a government pamphlet divided among political parties according to their strength as a means of informing voters of questions under consideration he suggested. He also proposed that the government exchange mailing privileges for space for such matter as it desires to publish.

Others speakers lauded Bryan for his work during the recent campaign. In return Mr. Bryan warmly praised the administration for its accomplishments.

The following note from President Wilson, with whom Bryan had lunched earlier in the day, was read:

"Will you not be kind enough to convey my very cordial greetings to Mr. Bryan and to those who are assembled to do him honor at the dinner on Wednesday evening? In the recent campaign, no one rendered more unselfish service than Mr. Bryan, and I am happy to know that this dinner expressed the genuine admiration of all Democrats for him. May I not by this means convey to him my warmest congratulations and best wishes for his continued health and happiness?"

YOUNG gentlemen, now's the time to select holiday apparel.

—Here is the store where you will find the clothes that none may criticise.

—Nobby belted-back Overcoats; swagger models in rough fabrics, all exquisitely tailored.

—Suits that satisfy from every viewpoint; finely tailored garments that fairly exhude optimism.

$15, $18, $20, $25
—Second Floor.

—Buy a gift for a man in a man's shop —that's where HE would buy it. We specialize on men's wear all the year round, and we are better prepared to serve you

Ben Selling
Morrison at Fourth.

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A delightful and soul-refreshing story of Geoffrey West, the Personal Notice column of the Daily Mail, and beautiful Marian Larned. A unique love affair that holds the attention and whets the appetite for more. Any woman, for that matter any man, will enjoy the crispness and sparkle of this unusual story. Price **$1.25**

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Once more Prudence delights the mind and wins the heart with her pluckiness, cheery disposition, and bright sayings. Take Prudence into your heart and home—her gladness and merriment will prove a distinct acquisition to any family circle. Give Prudence to your friends—they, too, will appreciate her cleverness. Price **$1.25**

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Cleo Ridgely-Wallace Reid
in the powerful Paramount photo-drama of absorbing mystery and thrilling romance:
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Relentlessly exposing the merciless methods of "the third degree"—an exceptional offering. The program includes a funny Cartoon comedy and Selig-Tribune events of world and war.
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Only tonight and 'til Saturday
"Anton, the Terrible"
—a smashing, blood-curdling, soul-shaking photo-drama of Darkest Russia and the present war—based on the story of the same name in the Saturday Evening Post.
—a notable cast of Paramount players, including Anita King, Horace B. Carpenter, Edythe Chapman, Harrison Ford and
the world's greatest character actor—
Theodore Roberts
who gives a wonderful portrayal of the archfiend, "Anton the Terrible."
This is a Paramount picture never before shown in Portland, and the splendid program also includes a convulsingly funny new Vogue comedy—"With or Without"—a film feast tonight at
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