

MAY STOP RACING

Council Can Restrict Speed of Steamboats.

JUDGE GEORGE SO DECIDES

Six-Mile-an-Hour Ordinance on the Willamette Within the City Limits Is Legal, Rules the Court.

The City Council has authority by ordinance to restrict the speed of steamboats on the Willamette River to six miles an hour. Judge George so held yesterday morning in deciding the case against Captain F. A. Sherman, of the steamer Bailey Gatzert, appealed from the Municipal Court. There are other cases of the same kind pending in the Municipal Court, which have been held back pending this decision.

Racing between steamboats on the river occasioned the passage of this ordinance. Firms loading deep-water vessels complained that the waves and swell caused by the fast steamboats interfered with the work of putting in cargo.

Judge George said that the state had full police power to regulate the speed of steamboats plying on rivers within the state boundaries. The state also had the right to delegate that power to a municipal corporation under a city charter, and had done so in the Portland charter. The Legislature in 1901 had given the power to the Port of Portland Commission, but this act was repealed by the passing of the city charter in 1902.

In referring to the defense that a boat might be forced to a greater rate of speed by stress of the weather, or the rapid flow of the current, Judge George quoted a well-known legal authority that "involuntary acts are not crimes, and necessity is always a good defense."

This must be read into the ordinance, and if a vessel was forced by the current to proceed at a greater speed than six miles an hour, or if other natural causes forced a rapid rate of speed, there would be good excuse. Judge George said he was unable to find any reason why the Bailey Gatzert was run over six miles an hour on September 26 last. It is stated that the defendant will appeal to the Supreme Court.

TEN-HOUR LAW UPHOLD.

Minors Under Sixteen Years of Age May Not Work Longer.

The statute prohibiting minors under the age of 16 years from working more than ten hours a day is valid, Judge Sears so held yesterday in two cases against John F. Shorrey, manager of the City Messenger & Delivery Company. One information against Shorrey sets forth that he employed Fred Wagenblast, 15 years old, in July last, and required him to work more than ten hours in each day. The second information is against Judge Sears, requiring Edmund Hall, 14 years old, to work over hours. The law provides that minors under 16 years of age shall not work after 6 o'clock P. M. but Robert Galloway, Deputy District Attorney, who attends to the juvenile court work, did not invoke this section of the statute against Mr. Shorrey.

Judge Sears, in deciding the cases, said he was not entirely satisfied that the law was constitutional, but a court should not declare a law invalid unless the court was satisfied beyond a reasonable doubt. Judge Sears expressed the opinion that the law was not a good one, while he sustained it and overruled the demurrer to the complaint against Shorrey. An appeal will probably be taken to the Supreme Court.

In his argument on the demurrer, Mr. Mull took the position that the Legislature had no right to deprive any person, minor or otherwise, of the right to contract his services with any reasonable given person, and also said the law was class legislation. Mr. Galloway argued, among other things, that it was not class legislation, because all minors under the age of 16 years were subject to its restrictions.

JUDGE SEARS COLLAPSES.

Is Taken Suddenly Ill While in His Court.

While rendering a decision in the case of George H. Williams et al. against Wells, Fargo & Co., yesterday morning, Judge Sears collapsed and had to be taken into his chambers. He had completed two decisions and had begun on the third, when he suddenly ceased speaking and became momentarily unconscious. He had been turning over his notebook and began speaking concerning the authorities in the case, when he was overcome. Judge Sears has been ill since last summer, and only returned a few days ago from a vacation lasting two months, taken for the benefit of his health. A great deal of work awaited him, and the strain seems to have proved more than he could stand.

In the case against Wells, Fargo & Co., George H. Williams, Perry G. Hinkle, S. A. Durban, Cleveland Rockwell, the estate of Henry Weibard and others, sue to recover on account of stock which they owned in the Commercial National Bank. Wells-Fargo is asked to pay, as the successor to the Commercial National National Bank. The amount involved is about \$5,000. The case was tried two months ago, before Judge Sears and Cleveland Judge Sears presiding. Judge Sears found for the plaintiffs, and Judge Cleveland dissented. As the presiding Judge, the decision of Judge Sears is the decision in the case.

SAFETY APPLIANCE SUITS.

First of the Kind Under Federal Statute Brought on Coast.

The suit which was recently begun in the United States District Court at Portland to collect penalties from the Southern Pacific, O. R. & N. and Terminal Company for alleged violations of the safety-appliance act of Congress, bears the distinction of being the first action of the kind ever brought in the Federal Court upon the Pacific Coast.

The act in question requires that every train should have a sufficient number of cars equipped with power or train-brakes that the engineer on the locomotive drawing such train can control its speed without requiring brakemen to use the common hand brakes for that purpose, thus eliminating the danger of making couplings between cars.

The penalty for the violation of this act is \$100 for each case of suit. The total amount of penalties asked for is \$200. The Southern Pacific is asked to pay \$200; the Terminal Company \$200; the Northern Pacific \$200, and the O. R. & N. \$400. The small number of penalties asked for shows that the number of cars which are not equipped in accordance with the safety-appliance act is not large. In fact, so much care has been taken in putting on the safety brakes that the



DR. B. E. WRIGHT

Call and Have Your Teeth Examined Free of Charge

From the simplest to the most difficult operation. High-class modern 1905 work, methods that were unknown to the old practitioners. Dentistry has made greater advance in the past 25 years than any other scientific line and it needs wideawake, vigorous men to keep abreast of the times in this exacting profession. Dr. Osler's recent remarks will apply forcibly to a number of men now practicing dentistry. Our methods have secured and held for us the best practice in this city. We are not wedded to old theories long since discarded by practical dentists. Call and see a modern dental office, with modern appliances, modern methods and moderate prices.

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THE PAINLESS DENTIST

342 1-2 WASHINGTON ST., COR. SEVENTH

OFFICE HOURS: 8 A. M. TO 5 P. M. 7:30 P. M. TO 8:30 P. M. SUNDAYS 9 TO 1 PHONE MAIN 2119

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WILL AID UMATILLA

Chamber of Commerce Boosts the Project.

TELEGRAM TO HITCHCOCK

It Is Felt That the Klamath Reclamation, Which Benefits California as Much as Oregon, Can Take Care of Itself.

AWAKENING OF THE LION

Dr. F. F. Tong on China's Present and Future.

HE BLAMES THE LAWYERS

Says They Take Cases to Higher Courts Just to Profit by Delay, and He Will Insist on Speedy Hearings.

CAPT. CANTWELL STRICKEN

Master of Revenue Cutter McCulloch Suffers Paralytic Stroke.

DID YOU SEE THE DEMONSTRATION OF THE CELEBRATED LEGGETT BEDSPRING

IN OUR SHOW WINDOW?

A barrel containing 50 gallons of water, weighing 500 pounds, and suspended from a derrick was raised and lowered continually, for nine hours each day since last Monday, upon one of these springs. This spring today is exactly in the same shape as it was last Monday.

We Are Sending These Springs to You

30 Days' Free Trial

And if after one month's use you are not perfectly satisfied with it we will take it back and you need not pay one cent for it.

A 5-year guarantee goes with every spring, and we replace every one that sags or breaks within that time.

Christmas Gifts in Abundance!

Any Furniture Article Makes an Appropriate and Appreciated Gift for Christmas

You can buy any article in our store by paying 50c down and 50c weekly. And the price is the same as if you paid cash

COVELL FURNITURE CO. 184-188 FIRST STREET

H. E. EDWARDS HOUSEFURNISHER 185-187-189-191 FIRST ST.

Homes, Rooming Houses, or Hotels furnished complete on easy weekly or monthly payments. Liberal discounts for cash.

Special Sale FIFTY COSTUMERS Or standing racks for hanging coats and hats, value \$1.50. While they last, each 75c.

Monarch Malleable Ranges

HIGHEST AWARD GOLD MEDAL RANGE shown at Lewis and Clark Exposition. We are the sole agents. Call and see them or write for booklet.

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WILL FIGHT APPEAL

Deputy City Attorney Makes His Plans.

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Answers Wife's Complaint.

William Hoffman has filed an answer to the divorce suit of his wife, Lillie Hoffman, in which she denies all of her charges and alleges that she has treated him in a cruel manner. He avers that she is peevish and faultfinding, and he has been unable to please her. Hoffman is a steamboat engineer on the Portland-Astoria run. He says his duties are arduous, which his wife well knows, and that her conduct has annoyed him greatly. Hoffman further alleges that January 26, 1905, his wife deserted him, taking their little daughter with her, and some days later came with her brother and another man and began loading the furniture in an express wagon. Hoffman asserts that when he protested, her brother and the other man assaulted and beat him. They made up, and in July, 1905, she again left him. The father asks the custody of the three children.

Sue Brother for Share of Estate.

F. M. D. S. and Paul S. Reeder, Mrs. E. M. Bonser, Josephine Godwin, Mrs. Dolly E. Atkins and Mary C. Crumbly, children of Catherine Reeder, deceased, yesterday began suit in the State Circuit Court against their brother, J. L. Reeder, to set aside a deed for the north one-half of the Reeder donation land claim, except the old home and 20 acres of land. J. L. Reeder obtained a deed for the land from his mother, November 8 last. The others say she was old and feeble, and did not know what she was doing, and was fraudulently induced by J. L. Reeder to sign the paper. Catherine Reeder left a will devising property worth \$5000 to her children, but it was not properly witnessed. The Reeder family is a pioneer family. E. and A. R. Mendenhall are attorneys for the contestants.

Defendant Gets Decision.

In the suit of William C. Smith against Benjamin F. Smith, to decide the ownership of a house and lot at Highland, Judge George yesterday decided in favor of the defendant. The litigants are brothers, and their parents were H. A. Smith and B. F. Smith, both of whom are dead. B. F. Smith holds a deed executed by his father, conveying to him the property, but the deed was never acknowledged. B. F. Smith said he advanced money to his father from time to time aggregating \$6000. The decision of Judge George has the effect of making the deed void. H. A. Smith was a timber-land speculator.

Must Support His Wife.

Fred H. Hoemel must pay \$50 a month for the support of his wife, Evaline C. Hoemel, for seven and one-half months, and \$20 a month thereafter, according to a decision rendered yesterday by Judge Sears. The litigants were married at least about a year ago, and lived together only a few months. Hoemel refused to support his wife, and she engaged George S. Shepherd, attorney, and brought suit. Hoemel was formerly a soap manufacturer.

Files Incorporation Papers.

Articles of incorporation of the Apollo Roller Skating Rink Company were filed in the County Clerk's office yesterday by James A. Randall, William H. Jones, Arthur Langough and Alice J. Diver; capital stock, \$2500. The objects are to maintain a roller skating rink.

Perkins Extradition Case.

Exerts which have been made to settle the difficulty in which Fred H. Perkins, charged with obtaining money under false pretenses, got himself into, will have to culminate tomorrow, or Monday, in the court. Perkins will refuse to have anything to do with the case. F. W. Perkins, father of the young man in jail, said yesterday that the case would be settled, and his son would be allowed to remain in the city. Sheriff Emory, of Salt Lake, who is in the city, is anxious to take Perkins back to Salt Lake to stand trial. If the amount of the defalcation is paid, the Governor, it is said, will let the case drop. If it is not, he will probably honor Sheriff Perkins' papers.

Petition for Sewer Construction.

P. P. Hagen and others have petitioned the City Council for a sewer in Cleveland avenue from 25 feet south of the south line of Alberta street to a connection with the sewer in Beach street.

GRAY HAIR QUICKLY RESTORED

To its natural color by using Alfred's Egyptian Henna. Sure, harmless. At first-class druggists.

Chamber of Commerce Boosts the Project.

The Chamber of Commerce has adopted the Umatilla project. The first movement in the work that has been begun by the Chamber of Commerce to secure a just apportionment of the reclamation funds was made yesterday afternoon, when a telegram was sent to Secretary Hitchcock urging respectful consideration of the Umatilla project. The telegram was approved by the members of the Chamber of Commerce.

Telegram to Secretary Hitchcock.

The Umatilla project, if completed, will irrigate about 20,000 acres of very rich and productive land. The following is the telegram forwarded to Secretary Hitchcock:

Children Built

The Certain Way to Grow Healthy, Strong Children is by Intelligent Feeding.

Saloons Can Run in Condon.

CONDON, Or., Dec. 2.—(Special.)—Judge Bradshaw, of the Dalles, has rendered his decision in the disputed local-option election of last Spring, and almost every point in the decision was in favor of the saloons. It will be remembered that the county went for prohibition under the local-option law by a vote of 364 to 244. The liquor men brought suit through their attorneys here to have the election set aside, because the County Judge ordered the question placed on the ballot instead of the Judge and Commissioners together, in a regular session of the County court, at the proper time, prior to election.

Spent a Day in Salt Lake City, and another in Colorado Springs or Denver.

You have this privilege if your tickets read via the Denver & Rio Grande. See Colorado's famous peaks and gorges in their winter garb. Call upon or write W. C. McBride, 124 Third street, for particulars.

W. D. WHEELWRIGHT, President.

Twentieth Wedding Anniversary.

An especially happy event of the week was the celebrating of the 20th wedding anniversary of Mr. and Mrs. A. B. Clark at their residence, 132 East Main street, Friday evening, December 1. One of the delightful features was the presence of "the three" who were brides together in Taylor-street Church 20 years ago—Mrs.

W. Y. Masters, Mrs. A. S. Gibbs and Mrs. Clark.

Miss Williams sang two numbers in her usual fine style, and Miss Edgings quickly sang herself into the hearts of all. The house was bright with smiles and congratulations of kind friends were received and refreshments were served. Those who assisted in receiving were: Rev. T. R. Ford and wife and Mr. and Mrs. T. F. Plympton, whose 18th anniversary was on the same day. Miss Anna Bollevant, Miss Slaver and Miss Wetzel also assisted the hostess.

Many beautiful tokens of esteem were received, including especially fine large palm, cut-glass and lots of exquisite china, some hand-painted, that will last for years and cause the day to be remembered as one of the brightest in the lives of Mr. and Mrs. Clark. About 20 guests were present, many coming long distances.

The White Temple held an interested audience Friday night, which gathered to hear Dr. F. F. Tong, a specialist representative of China to the United States, speak on "The Awakening of the Lion."

Dr. Tong gave a brief history of China, of its present conditions and of its future. One of the features of the lecture was the appearance of a mixed Chinese choir of 11 voices, which rendered several hymns admirably.

Personalities ask me why the Chinese do not adopt Christianity and become civilized in the modern sense of the word," said Dr. Tong. "I am afraid that the so-called Christian nations have given us a misleading spectacle of their religion and civilization. On the Bible says: 'Unto others as you would have them do unto you,' but the big nations have not practiced what they preach. They forced us to take their drug, opium, which has been the curse of the Chinese people, and have seized our ports and land when they had the least provocation."

"The United States has been kind to us, but still we are not satisfied with the way we are received in this country. When a Chinese secures a passport from the American Consul he is promptly locked up in a blackhouse at the airport upon his arrival in this country. Oftentimes he is kept there days before his case is examined. If you cannot trust your Consul there to save the election set aside, because the County Judge ordered the question placed on the ballot instead of the Judge and Commissioners together, in a regular session of the County court, at the proper time, prior to election.

In view of this, Judge Bradshaw held that the order of the County Judge placing the question on the ballot, and the calling for an election, was "null and void and of no effect."

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CHILDREN BUILT

The Certain Way to Grow Healthy, Strong Children is by Intelligent Feeding.

An Iowa mother tells of the naturally correct feeding of her 3-year-old boy. She says he thinks there is nothing equal to Grape-Nuts for breakfast.

"When he was a little baby he was puny and pale, and to find the right food to properly nourish him was a difficult problem. When he got to be about 12 months old we commenced using Grape-Nuts food in our family and I began feeding him a little moistened with milk. We all liked Grape-Nuts, but he liked it especially well."

"It agreed with him. He began to grow plump and rosy, and for years he has scarcely eaten a breakfast without a dish of Grape-Nuts, and he usually eats nothing else. He wants it and will take no substitute. He has never been sick and today is a remarkably robust child with a fine muscular development, and a quick, active brain—by far the healthiest and strongest, even if he is the youngest, of my five children."

"All this I attribute to his regular use of Grape-Nuts food." Name given by Pastum Co., Rattle Creek, Mich.

There's a reason. Read the little book, "The Road to Wellville," in pkgs.