GIVES AN INDEMNITY BOND

Justice Seton Sustains Contention of Proprietor That Word Has No Right to Keep Premises, but Case is Appealed.

"Gambling is simply a form of highway robbery and has no standing whatever in the eyes of the law, and the place or bouse in which it is carried on has no ore rights than a robbers' nest. If this man will promise that he will not again resume gambling in his place of business then we will not further hold the premises, but until he shall do this. beriff of this county is supreme."

This was the language of Attorney Henry McGinn yesterday morning in Justice Seton's Court, in the case of M. C. Nease to recover possession of his promises, recently raided by Sheriff Word and still held by him, in reply to the con-tention of Attorney E. B. Watson that the allegations of the separate answers to the plaintiff's complaint had no foundation in fact or in law.

The complaint simply sets forth that lease is unlawfully prevented by Sheriff Word from enjoying the possession of his premises, in which he had been conducting a saloon prior to November, 1904. It is set forth in the answer filed yester-

day that the Sheriff of Multnomah County in duty bound to proceed against gambing; that Nease conducted a gamblinghouse; that he invited and defied the eriff to arrest him; that he conducted a gambling-house on November 1, which was known to the Sheriff and to others. and that he threatens to again restore mbling in this house when he regains seton. The answer proceeds to say that the Sheriff retains possession of the for no other purpose than to revent Nease again conducting a gambling-house under the guise of a saloon: that the defendant, as Sheriff of Multnomah County, never has had any intention of holding the gambling-house any longer than until such time as assurances are given that the plaintiff will not vio-late the laws of the state in setting up and keeping a gambling-house, and that when plaintiff will give this assurance his property will be restored to him. Attorney E. B. Watson, for the plaintiff,

submitted a demurrer to the allegations. saying that "there was no fact nor law that would justify an officer in holding the premises of a citizen on the ground that a crime might be committed there. Justice Seton sustained the demurrer, and the case went to trial on the demais in the

Nease testified that he was in possession of his premises on Fourth street, con-ducting a saloon, November 1, when sev-eral Deputy Sheriffs placed him and others under arrest and took possession of the premises; and that, although he had demanded possession of the house since, he had been refused admission.

Cross-examined by Attorney McGlnn, Nease said he had a license from the City of Portland, under the recently seed ordinance, to run a commission

said Mr. McGinn, ""is it your intention to again conduct a commission poolhouse if you regain possession of the

Attorney Gearin objected to the question and Justice Seton sustained the ob-

Will you promise here in the court that you will not run a commission pool-house if you are given possession of the premises?" again interrogated Attorney

Gearin and the objection was sus-

'Very well," said Judge McGinn, "we will appeal the case to the Circuit Court."
Two bonds were filed, one for twice
the value of the property held, for the appeal, and one for twice the amount of the rent, furnished by the United States Fidelity & Guaranty Company, which stays the execution of the judgment ob-tained by Nease in the Justice Court for restitution of the premises, until the case in settled in the Circuit Court.

#### AT THE THEATERS

What the Press Agente Say.

CHAMPION JEFFRIES TONIGHT

James J. Jeffries to Present "Davy Crockett" at Marquam Grand.

Frank Mayo's sterling frontier drama, "Davy Crockett," in which Champion James J. Jeffries and his own company will appear at the Marquam Grand Theater tonight, is replete with whole-souled interest which never lags. The back-woodsman is a lovable character, strong. simple and surcharged with an admirable simple and surcharged with an admirable manliness that makes him irresistibly popular. James J. Jeffries plays the title role in the production. In weaving the story around this character of the backwoods, Mayo selected a string of interesting incidents ranging from the deepest humor to soul-stirring climaxes, interspersing it throughout with characters that have made the drama a hystory in that have made the drama a by-word in every household. After the performance very household. After the perturbation of the onstration with his sparring partner, Jo-seph Kennedy, which is an illustration of scientific boxing in three rounds. Elec-tion returns will be read from the stage.

Stirring Climax at Columbia.

There are few playwrights who could have thought out a more stirring climax to a melodrama than did Belesco when he wrote the stockade acers in "The Girl I Left Behind Me." In none of the favorite war plays is the strain upon the audience more intense. The handful of cavalry and women are surrounded in a small forters by bloodiffication. ed in a small fortress by bloodthirsty indians. The wires communicating with relief have been cut. One couler has tried to pass the lines and has been tried to pass the lines and has been killed. Peace overtures with the Indian chief have failed utterly. The tribesmen have lighted their bonfires and are but waiting for daylight to begin the uttack and slaughter. Lieutenant Hawkesworth has gone with the message for relief. His fate is unknown. He is late in returning. The prisoners have but a lingering hope, when the Indian girl, Fawn, brings Hawkesworth's hat into the stockade with the news of his death. Fawn, brings Hawkesworth's hat into the stockade with the news of his death. Then all hope is abandoned. The attack begins. The Indians have overcome the delenders. The fortress is falling. The Indian chief has sworn a worse vengence than death upon the General's daughter, and the loving father has his pistol pressed to the girl's head, ready to fire when—

Well, the next moment the suditorium is a bediam of enthusiantic frency. The strain is groken and the curtain is raised and lowered a half-score of times. Only 8

Selasco could se surprise, so astound, his udiences.

audiences.
"The Girl I Left Bebind Me" was always a favorite, and it was never so well
done as by the Columbia Theater stock
company this week,

Returns at Cordray's.

Mason and Mason, in their big comedy extravaganza success, "Fritz and Snitz," have already demonstrated the fact that the public taste is ripe for a first-class attraction of this eart at common-sense prices. It requires a large company of comedians, vocalists and dancers.

comedians, vocalists and dancers.

By special arrangement with the Western Union Telegraph Company, the management has arranged for a special wire
to the stage, and an expert telegrapher will be on duty to receive election returns, which will be announced to the audience during the performance and until morning. The theater will be kept open all night and the returns will be received until the election in every state in the Union has been decided.

#### COMING ATTRACTIONS.

Advance Sale Today.

orning at 10 o'clock the advance sale of seats will open for the hig musical comedy success, "The Tenderfoot," which comes to the Marquam Grand Theater next Thursday, Friday, Saturday nights, November 10, 11, 12, with a special-price November 10, 11, 12, with a special-price matinee Saturday. The story is laid in Texas and on the Mexican border and as a consequence affords a new and bril-liant idea for opera and delivers into the hands of the seemic artists and cos-tumer grand opportunities for novelty and color theme. Altogether, "The Tender-foot" may be considered a most welcome musical offering. musical offering.

#### AT THE VAUDEVILLE THEATERS

If ever a vaudeville team deserved the title "great," it is the topliner trio at the Star this week, Sylvester, Jones and Pringle—comedians, singers and funmakers. When here on their last visit they made a tremendous hit, and will surely duplicate their success on this occasion. Their first-class work shows how three clever young men gifted with naturally good voices can raise vaudeville singing to a high plane. The baritone sings You're the Sweetest Flower That Grown in Tennessee," and the basso cantante sings a sea song, his lowest notes reach-ing to his boots. His voice is a teiling one. The darky of the trio scored an instantaneous hit with his rollicking "Mississippi Mamie." Paul Le Croix is a good comedy juggler, his hat and cigar tricks being most amusing and enter taining. The Lippincotts, dancers an singers, solve the question of when a girl should marry, and Cameron and Toledo shine in their operatic extravaganza. New pictures are shown by the projectoscope, and Hall, Weston and Coburn amuse with their comedy, "Charge It to Bill."

Miss Ethel Fuller is appearing in vaude ille on the same stage at the Baker. where a few weeks ago she was leading lady with Melbourne MacDowell. Miss Fuller is doing the "curse accene" from "Leah," and is adding to the laurels she has already won in Portland. She was given a hearty welcome by packed houses at every performance of the Baker yes-terday and last night.

The entire bill this week at the Baker is an unusually attractive one. The Kitties trio make a hit with their Scotch dialect songs and music. Perry and Sims are a couple of clever sketch artists and Eva Batchelder Perkips, the singing cartoonist, presents something rather new toonist, presents something rather new in the vaudeville line. Adelphia is clever in, shadowgraphs, and in fact the entire bill is one not to be missed.

Baby Kelly is really a little child who dances, tells stories and cracks jokes, showing talent that would make many an older person envious. He is one of the biggest attractions this week at the Arcade, and his definition of the difference between Uncle Sam, a rooster and an old mald, provoked peals of laughter. His father wears stunning clothes, and the trio also pleases in dancing and in the singing of two songs, "Mandy" and "Barney, Come Home Once More." Have you ever heard a real little girl sing songs to her doll? No? Well, you'll have a chance to hear the rarity by watching Irene Kober, novelty artist, who sings with a tuneful voice a charming ditty The question was again objected by At-torney Gearin and the objection was sus-sawdust fell out. The girl performer in the Le Clair and West team has a pleas ing soprano voice, which she uses to good effect in the lullaby song from "Er-minie." Her partner makes fun and sings a song, "If I Were a Millionaire," telling the great things he would accomplish. The bloscope shows a snow scene, and an gmusing difficulty with a chimney-sweep, Kate Coyle sings "When the Frost Is on the Pumpkins, Maggie Dear." The Morrises, physical culture exponents, complete

The Lyric as usual has a full programme of musical turns this week with bright, clever songs and a dozen new steps to every dance. The Lyric has earned its fame as a comedy house and earned its fame as a comedy house and introduces tuneful songs and catchy music every week. Yesterday afternoon the bill for the next six days opened with Leonard and Fulton, high-class vaudeville comedians, witty and funny. Following came Dunn, the mimic, who can imitate any sound ever heard and put a laugh in it. His instrumental imitations make the audience look around to see if the instrument itself is not hidden somewhere. The Shetland Sisters brought on next the The Shetland Sisters brought on next the ever-welcome song and dance turn made especially attractive by these ilitic sou-brettes. Hoyt has a new illustrated song in "Down at the Baby Store." And like a good show, when the audience had thought it had its dime's worth, Weston and Beasley, acrobatic artists, song and dance specialists, funny people, added half a deliar's worth themselves.

#### Bilou.

There are no dull moments in the new bill at the Higor. While the whole bill is a sood one, the hit of all is Roberts. Smilax & Co., with their trained buil terriers. Trained buil terriers are a rariterriers. Trained buil terriers are a rarity, but those at the Bijou are smarter than some people and do some unusually clever things, as well as some funny ones. The dogs are presented with a comedy and high-sicking act which is really good.

The Baxters, aerial cyclists, do some wonderful things on the slackwire with bicycles. Not less clever are the Remeys in a hoop-relling and sketch-team act. Mabel Mattland is a good contortion dancer, and so on through the pretion dancer, and so on through the pro-

#### PRECINCT BOUNDARIES AND POLLING PLACES FOR TODAY'S ELECTION

The precinct boundaries and polling places in the City of Portland and the cling places outside the city are as follows.

No. I (includes flwan Island)—City boundary to North Twenty-fourth street; Pettygrove street and Cornell road to the Willamette River; 800 Thurman street.

No. 2—Twenty-fourth street to the Willamette River; Savier, street to the Willamette River; 301 North Eighteenth street.

No. 3—Twenty-fourth street to the Willamette River; Pettygrove to Bavier street; 364 Savier street.

SECOND WARD.

No. 6—Pettygrove street and Williamette River to Everett street; Ninth street to Williamette River; 327 Flanders street.

No. 5—Irving street to Everett street; Seventeenth street to Ninth street; 163 North Fourteenth street.

No. 6—Pettygrove street to Irving street; Seventeenth street to Ninth street; 160 North Fourteenth street.

No. 7—Johnson to Everett street; Cornell road to Seventeenth street; 173 North Twenty-first street.

No. 8—Pettygrove to Johnson street; Cornell road to Seventeenth street; 255 North Nineteenth street.

THIRD WARD.

No. 9—Everett to Couch and Burnside streets; Park street to Willamette River; 66 North Sixin street.

No. 10—Couch and Burnside streets to Oak street; Park street to Willamette River; 333 Ankeny street.

No. 11—Oak street to Washington street; Park street to Willamette River; 307 Stark street. 207 Stark street. No. 12—Everett to Washington street; Fourteenth to Park street; 468 Burnside street.

No. 15—This precinct runs from Park street to the city boundary, and is bounded by Washington and Everett streets, and their extensions—Barnes and Cornell roads; 35 North Nineteenth street.

FOURTH WARD. . 14-Washington to Morrison street; Park street to Willamette River; Alder street. No. 15-Washington to Morrison street; Chapman to Park street; 420 Washington street. No. 18-Morrison to Taylor street; Seventh street to Willamette River; 285 nhill street. No. 17-Morrison to Taylor street; Seventh street to Fourteenth street; 347

No. 17—Morrison to Taylor street; sevenin street to Fourteenin street; surfamilii street.

No. 18—Taylor to Main street; Tenth street to Willametta River; tent southeast corner Fourth and Salmon streets.

No. 19—Main to Taylor, Tenth to Fourteenth; and Morrison to Jefferson; Fourteenth to Chapman street; 270 Sixteenth street.

No. 20—Chapman street to city boundary; Washington street and Barnes road to Jefferson street and Canyon road; west end Exposition building.

No. 21—Main to Jefferson street; Seventh street to Willamette River; tent, northwest corner Third and Madison streets.

No. 22—Main to Jeferson street; Fourteenth to Seventh street; 275 Eleventh street. FIFTH WARD.

No. 23-Jefferson street to Market; Fifth street to Willamette River; 224 No. 28—Jefferson street to Market, Fifth street to Willamette River, 225
Columbia street.

No. 24—Market to Harrison street; Fifth street to Willamette River; 355 Second street.

No. 25—Jefferson to Harrison street; Fifth to Tenth street; tent, northwest corner Seventh and Main atreets.

No. 26—Jefferson to Harrison street; Tenth to Fourteenth street; tent, southwest corner Eleventh and Columbia streets.

No. 27—Fourteenth street to Canyon road; Jefferson street to Harrison, Hallstreet stension and Jackson street; 518 Jefferson street.

No. 25 (triangular)—Bounded by Sixth, Harrison and Lincoln streets; 406
Third street. Third street.

No. 29 (-Irangular)—Bounded by Sixth, Harmon and Lincoln screet, wo Third street.

No. 20—Harrison street to Patton County road; Sixth street to Banfield and Pennoyer, east boundary line, Fourteenth and Sixteenth streets; 438 Sixth street.

No. 30—East boundary line, Fourteenth and Sixteenth streets to Canyon road; city boundary to Harrison, Hall-street extension and Jackson street; hose house, Chapman, between Elm and Spring streets.

No. 31—Lincoln to Caruthers street; Sixth street to Willamette River; 594 Fourth street.

SIXTH WARD. No. 32—Caruthers to Mead and Sheridan streets; Sixth and Fourth streets Williamette River; 683 First street.
No. 33—Meade and Sheridan streets and County Patton road to Woods street; y boundary to Williamette River; 752 First street.
No. 34—Woods street to Curry street; city boundary to Williamette; First seet reser Gibbs. street, near Gibbs.
No. 35—Curry street to Seymour avenue; city boundary to Willamette; \$45

Corbett street.

No. 36-Seymour avenue to city boundary; city boundary to Willamette; 1455 Macadam street. SEVENTH WARD. No. 37—City boundary and Southern Pacific Railroad to Willamette; city boundary to Holgate street; Fireman's Hall, Sellwood.

No. 38 (includes Ross Island)—Holgate to Division street; Southern Pacific Railroad and East Twenty-first street to Willamette River; 379 Powell street.

No. 38—Division street to Hawthorne avenue; East Eighth to Willamette River; 292 Grand avenue.

No. 40—Division street to Hawthorne avenue; East Eighth to city boundary; 573 East Eleventh street.

No. 41—City boundary to Division street; Southern Pacific Railroad and East Twenty-first street to city boundary; corner Twenty-sixth and Powell streets.

EIGHTH WARD. No. 42—Hawthorne avenue to East Stark; East Tenth to Willamette River; 122 Grand avenue. No. 43—Hawthorne avenue to East Stark and Base Line road; East Tenth to East Thirtieth street; tent, northeast corner East Eighteenth and East Morri-

son streets.
No. 45 Hawthorns avenue to Base Line road; East Thirtieth to city boundary; 5964; Belmont street.
No. 45 East Stark to East Ankeny; East Twelfth to Willamette River; 71 No. 45—East Stark to East Gilsan; East Twelfth to Willamette River; No. 46—East Ankeny to East Gilsan; East Twelfth to Willamette River; 383 East Burnside street.
No. 47—Base Line Read to East Gilsan and Sandy road; East Twelfth to city boundary; tent, northeast corner East Eighteenth and East Ash streets. NINTH WARD.

No. 48—East Glisan and Sandy road to Haisey street; Sandy road to Willamette; 375 Holladay avenus.

No. 49—Halsey street to Hancock street; East Fourteenth street to Willamette; 341 Williams avenue.

No. 50—Hancock street and Willamette River to Fremont street; Goldsmith and Albina avenue to Willamette River; 528 Mississippi avenue.

No. 51—Hancock to Fremont street; Vancouver avenue to Albina avenue and Goldsmith; 154 Russell street.

No. 52—Hancock to Fremont street; Vancouver avenue to Union avenue; 288 Russell street. Russell street.

No. 53.—Halsey and Hancock streets to Fremont street and County road;
Union avenue and East Fourteenth street to city boundary; 416 Union avenue

No. 54—Fremont street to Killingsworth avenue; Vancouver avenue to Williamette; hose house, 859 Mississippi avenue.

No. 55—Fremont etreet to Killingsworth avenue; Vancouver avenue to Section line (between sections 22 and 24; 851 Williams avenue.

No. 56 (Woodlawn)—Fremont street and Killingsworth avenue to city boundary; Vancouver road and Section line to city boundary; corner Eighth and Dekum avenue. Woodlawn.

No. 57—Killingsworth avenue and Williamette River to city boundary; Vancouver road to center line of sections 8, 17 and 5; Peninsular Hall, Peninsular Station.

No. 58 (Portsmosth). Williamette Divertical line of the city boundary; Vancouver road to center line of sections 8, 17 and 5; Peninsular Hall, Peninsular Station.

No. 58 (Portsmouth)—Williamette River to city boundary line; center line sections 8, 17 and 4 to McKenna avenue; Reybolds' store, Portsmouth Station.

POLIJNG PLACES OUTSIL	DE PORTLAND.
No. 59-(St. Johns), schoolhouse,	
No. 60-(Columbia), schoolhouse,	
No. 61-(Mount Tabor), W. O. W. Hall, W.	ant account and Bear To
No. 61 (Mount Tabor), W. O. W. Date, W.	est wanne with Liese Til
No. 62-(South Mount Tabor), schoolhouse.	
No. 63-(Woodstock), band hall.	
No. 64-(Lenta).	
No. 65-(Kilgaver).	
No. 66-(Montavilla), Oddfellows' Hall.	
No. 67-(Russellville), Postoffice building.	
No. 68-(Rockwood), public hall.	
No. 69-(Fairview), public hall.	
No. 70-(Troutdale), Labor Union Hall.	
	The second secon
No. 71-(Gresham), Regner's Hall.	AND DESCRIPTION OF THE PARTY OF
No. 72-(Powell's Valley), Hamiin's works	snop.
No. 78-(Huriburt), Huriburt's Hall.	
No. 74-(Bridal Veil), Bridal Vell school	house.
No. 75-(Reeder's), schoolhouse,	
No. 76-(Willamette Slough), schoolhouse.	
No. 77-(Holbrook), schoolhouse.	
No. 78-(Linnton), Hilderfinch Hall.	
No. 79-(Sylvan), Prince's store.	
No. 80-(Mount Zion), Mount Zion school	because of the same of the sam
No. 80-(Mount Zion), Mount Zion school	DOUBR.

### FIGHTING GAME MAY OPEN

SPORTS HAVE HOPES AUTHORI-TIES WILL NOT INTERFERE.

District Attorney and Sheriff Both Decline to Discuss the Subject at Present.

"Will the prisefighting game be reopened in Portland?" is the question which local sports are just now discussing. The prevailing opinion is that the good old times, when two "gents" were permitted to pull off a polite "go" without molestation from the authorities, are about to

tion from the authorities, are about to come again.

Talk of the revival of prizefighting here was freely indulged in yesterday, the understanding being that the officers will make this concession to the sports as a feeler. If the storm of protest is not too violent, other concessions will probably follow to the end that Portland will again be made onen and a "live one" in sport. be made open, and a "live one," in sport-

Tommy Burns, a well-known Chicago pug, struck town yesterday for the pur-pose of investigating local conditions 

respondence with San Francisco men about meeting one of the California fight-ers here, and think I will succeed in ar-ranging for a fight here before long. Of course, if I don't receive the proper en-couragement here I'll go to the California

When District Attorney John Manning when District Attorney John Manning and Sheriff Word were approached on the subject of a revival of prizefighting in Portland, and the Burns proposition in particular, they both declined to discuss the matter. Mr. Manning pleaded ignorthe matter. Mr. Manning pleaded ignor-ance of Fighter Burns' presence in the city, but said he had heard that Tommy Tracey was quietly working up a mill of some sort. "They have had no assur-ances from me," said Mr. Manning. "You'd better ask Tom Word about it." The Sheriff displayed considerable tem-per when approached on the subject, and declined to talk prisefights or prizefighters for the edification of his constituents. And the sports are still figuring, and hoping and winking the other eye.

Races at Aqueduct.

NEW YORK, Nov. 7.—Aqueduct results: Six furlongs—Fleur de Marie won; Ca-cingorm second, Merry Lark third; time,

crner won, Glisten second, Cloverland third; time, 2:15.

The Woodmore stakes, seven furiongs—Gay boy won, Crown Price second, Damon third; time, 1:27.

Six and one-half furiongs—Ocean Tide won, Thistle Heathy second, Santa Catalina third; time, 1:20-3-5.

One mile, selling—Thesplan won, Price Ching second, Reliance third; time, 1:81-3-5.

Five furiongs—Figuralis—on. Data for the price furiongs—Figuralis—on. Data for the price furions.

Five furlongs-Floralia won, Pretty Pol-ly second, Lucy Young third; time, 1:00

The Y. M. C. A. football eleven will go to McMinnville Saturday to play the college there. The Y. M. C. A. team has so far been hampered by the necessity of playing raw men, but a full elevel is now practicing evenings, and will have developed team work by the end of the week. 25 VOLUMES, NINTH EDITION, Multnomah Handball Tournament.

Bennett and Harder defeated Douglas and Haines in the opening games of the handball tournament at the Multnomah Chib hast night by scores of 21-8 18-11. El-13. During the rest of the week there are games scheduled for such night for doubles. All next week the ringles will be played off.



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VOLUMES, AMERICAN ADDI-

VOLUME, GUIDE TO SYSTEM-

ATIC READING AND STUDY.

組織

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