

SHERIFF TO DO IT

Motion to Have Coroner Serve Venire Overruled.

FRAZER GIVES HIS REASONS

Says It Would Be Reproach to Sheriff to Say Because He Has Performed His Duty Once He Shouldn't Do It Again.

"It would be a reproach to the Sheriff to say that because he has performed his duty in one particular, he is disqualified from performing it in another."

These remarks were indulged in by Judge Frazer yesterday in refusing to grant the motion to have a special venire for jurors to serve in the trial of Fred Fritz on a charge of conducting a gambling game on July 21st.

Ed Mendenhall and C. Spencer, attorneys for Fritz, asserted that the Sheriff was prejudiced and the court responded that the Sheriff had a right to be prejudiced to the extent of prosecuting and endeavoring to obtain convictions where the law had been violated.

There were three jury trials in progress and the list was exhausted in the Fritz case after five jurors had been chosen. District Attorney Manning asked for the issuance of a special venire, when Mr. Mendenhall arose and opposed the performance of this duty by the men in the Sheriff's office. The attorney commenced reading an affidavit to the effect that the Sheriff had engaged in numerous gambling raids, and was prejudiced and very desirous of obtaining convictions.

"He not only took charge of the Portland and Warlock Clubs," said counsel, "but he closed up their saloons as well."

"That happened long after this case started," interrupted Judge Frazer, "and has nothing whatever to do with this case."

Mr. Mendenhall continued to argue his point and read from a decision of the Supreme Court in the case of the State of Oregon vs. Savage, to show that the Sheriff was disqualified and the Coroner or an alior should draw the extra men needed. Judge Frazer said there was nothing to show in what manner the Sheriff was prejudiced against the defendant. The statute makes it his duty to prosecute gambling and makes it his special duty to do so where he has reasonable grounds to believe the law has been violated, and he is guilty of a misdemeanor if he does not do so and liable to punishment.

"But he has said that he wanted to see this man convicted," objected the attorney.

"That does not matter. If the Sheriff arrests a man whom he has reason to believe is guilty of a crime, he would desire to see him convicted. When a Sheriff is enforcing the law it is an implied reproach to him to take the service of the venire out of his hands. I look at the matter in that light. I do not think that the Sheriff's efforts to carry out the law to which the Legislature has directed his particular attention should disqualify him from performing other duties. The motion is therefore denied and the venire will be served by the Sheriff."

SUES FOR DAMAGES.

John Kerns Wants \$10,500 for Personal Assault Last August.

The trial of the suit of John Kerns against George Miller, John Baum, Jacob Hartung, A. Baum, George Wolf and Philip Schmidt for \$10,500 damages for personal assault was commenced before Judge Sear and a jury yesterday, and will be concluded today. On August 5 last the defendants are said to have engaged in a saloon row in a place on Falling street. On coming out of the place they were alleged to have attacked Kern and beat him severely. Miller struck Kern on the head with a rock, and he says the others beat him with their fists. Kern's skull was cracked in and the surgeon removed 18 pieces of broken bone from the wound. Miller was recently convicted of a criminal charge growing out of the same affair. John F. Jackson, attorney for Kern, and M. L. Pipes for the defense.

FOSTER AND BUSH ACQUITTED

Jury Finds Them Not Guilty of Murderous Assault.

A verdict of not guilty was returned by the jury yesterday morning at 9:30 o'clock in the case of Theron Bush and Guy Foster, who were charged with striking Leigh Tracy with a beer glass. The jury was out all night and stood nine to three for acquittal. They reached an agreement shortly before court convened.

TO DECIDE CASES.

Judge George to Render Several Important Decisions.

Judge George will decide the following cases:

Brandes vs. Silverfield, motion to strike out parts of amended complaint; Goldschmidt vs. City of Portland, motion to make answer more definite and certain; State vs. Nease, demurrer to indictment; Ireland vs. Vreeland, demurrer to complaint; Dicky vs. Jackson, demurrer to complaint; Bartlett & Palmer vs. Church, demurrer to answer; Henderson vs. Word, demurrer to mandamus petition; Samuel Wagner vs. City of Portland, motion to make answer of Councilmen more definite and certain; Pigott vs. McClung et al., motion to make complaint more definite and certain; Eken vs. Tuff, motion to make complaint more definite and certain; Reed vs. Jennings, motion to strike out part of complaint; Harvey vs. Deep River Logging Company, motion to make complaint more definite and certain.

TESTIFIES AGAINST FATHER.

Seven-Year-Old Girl Important Witness in Criminal Suit.

Little Mildred Ward, scarcely 7 years old, was called in Judge Cleveland's Court yesterday to testify against her father, M. A. Ward, who was on trial on a charge of having abandoned his wife, Mrs. Carrie Ward, and having lived with one Julia Heavland. Mrs. Ward is prosecuting her husband. She was disqualified under the statute from giving evidence against him, so an attempt was made to obtain the desired proof from the child by Deputy District Attorney Hancy. The little miss

was timid, but spoke up after a little encouragement. She remembered living with her father after her parents had separated. An attempt was made to fix a certain date, and she was asked if it was a little before Christmas. She at once answered that her papa had given her such a pretty doll at Christmas.

"Mildred," said Mr. Ditchburn, upon cross-examination, "did your mother tell you what to say?"

"Yes, sir," she replied.

"Did your uncle, Mr. Kinney, tell you what to say?"

May Sue Sheriff Word.

Reports are current that Mike Solomon, who says he is the owner of the saloon attached to the Portland Club rooms, will sue Sheriff Word and certain members of the Municipal Reform League for "closing the place and confiscation of his property. The saloon was closed when the Sheriff decided that pools on races were being sold in the room back of the saloon, which is contrary to law. It is doubtful if the Sheriff can be held liable against him.

FRED FRITZ AND TWO OF HIS COUNSEL



under his bond in such a civil action. Edward Mendenhall, S. C. Spencer and W. D. Davis, attorneys for Solomon, refused to discuss the matter.

Court Notes.

John E. Morson was granted a divorce from Pearl E. Morson by Judge George because of desertion.

In the suit of John Ditchburn and John F. Watts against Michael Pierrier to recover \$200 attorney's fees, the jury in Judge Sear's court returned a verdict in favor of the plaintiffs for \$175.

Edith Williams was divorced from C. H. E. Williams by Judge George yesterday because of infidelity on the part of the defendant. The litigants were married in Portland, December 27, 1903. Mrs. Williams owns a millinery store in Grass Valley, Or.

Smith says his wife deserted him and came to Portland where she lived an immoral life and the children were taken from her by the Boys' and Girls' Aid Society. Smith also says his wife falsely accused him of consorting with one Mamie Summers.

James F. Smith has filed an answer to the suit of his wife, Eudora E. Smith, for a divorce, in which he denies that she and their children sometimes had nothing but potatoes to eat, and suffered for want of food. He avers that prior to 1894 they lived at Tillamook, where he was engaged in making posts and cutting wood and doing all things he could find to do to support and care for his family, but was not at all times able to meet their demands for money.

TO DOWN GRAFT AND GRAPERS

Mass Meeting Will Be Held in Marquam Theater Tomorrow.

"Honesty in municipal government. Down with graft. Enforcement of the law," is the slogan of the citizens' mass meeting to be held tomorrow afternoon at 3 o'clock at the Marquam Theater, and the house will probably be crowded to the doors. Catholic, Protestant and Jewish clergymen will sit together on the same platform, the list including 100 representatives of the city churches, and the usual Sunday afternoon meeting at the Young Men's Christian Association will be omitted. There will be a special meeting of the committee in charge of the work at the Y. M. C. A. rooms this afternoon to perfect the arrangements. The determination to hold such a meeting grew out of the lectures on citizenship recently delivered here by Jacob A. Riss, of New York City.

'04 Fair Trouble Complicated.

ST. LOUIS, Dec. 16.—Laurence Graham, secretary of the National World's Fair Commission, in a statement issued in response to a request for information as to the controversy over the Louisiana Purchase Exposition awards, says that

he has been notified by representatives of states and by individual exhibitors that they will not accept diplomas without the signatures of President Carter, of the National Commission. He states that charges of bribery and fraud, supported by affidavits, have been made by several exhibitors, and that the National Commission will insist on investigation concerning the charges.

FILL EAST WASHINGTON.

Pacific Construction Company to Push the Work at Once.

East Washington street is to be filled up at once between Union avenue and East First street by the Pacific Coast Construction Company, which has the contract for the work. The filling will be done with dump cars, and yesterday morning a force of men commenced grading for a spur on East Washington street between Grand and Union avenues to connect with the line on Grand avenue. A curve will be laid from East Washington, and dirt will be brought in from North Mount Tabor over the Consolidated Railway Company's Montavilla branch. A temporary elevated roadway has been built on East Washington to East Third street on which to lay track, and this part will be filled up first. Joplin & Co. have the contract to

WOODARD, CLARKE & CO.

IMPORTERS

It is not surprising that Holiday sales thus far exceed greatly those of previous years. This country is truly prosperous and those who have been favored by fortune feel that this is indeed the year and the season to generously remember all those who are endeared to them. The wide range of our Holiday lines make shopping at our store a pleasant and easy task. Our patrons tell us our exhibit of Christmas goods this season surpass all others in beauty, artistic merits and practical value. Then, too, our prices are right. We don't keep you waiting for your packages or change. Our salespeople know their business and don't bore you to death. Glance over this page—there are suggestions for everyone.

Don't forget a Camera for the boy or girl—get an Ansco today



We have made Picture-Mak a delight to thousands of Portland boys and girls, and today have the largest and best line of Cameras on this Coast. Any parent can put a perfect picture-maker in children's stockings at our prices—

Baby Ansco No. 1.....\$1.00
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FIRST FILM DEVELOPED FREE.
The 1905 Annual of Photography just received.....75c

GOLDFISH AND AQUARIA 25c and 50c



Goldfish Food, box.....10c

FOUNTAIN PENS \$2.50, \$3.00, \$5.00

We are agents for the Genuine Waterman and Conklin's Famous Self-Filling Pens. Fountain Pens bought from us are exchangeable if desired.

SAFETY RAZORS—Gillette, \$5.00; Star, \$2.50; Gem, \$2.00.

SHAVING SETS—in Ebony, Celluloid and Leather Sets, 50c.

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Perfect timekeepers, new and artistic designs, \$1.85, \$2.75, \$3.50, \$5.00.



Our telephone, Exchange 11, with four trunk lines and extensions to every department, stands for instant service. We accept Canadian money at full value.

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WE REPAIR AND RECOVER

25c lb. Today Only

Not more than four pounds sold to one person and put up in paper bags only.

Our stock of Xmas sweets is now complete and early purchasers will receive attention impossible to give during our later rush.

Candles purchased now will remain in perfect condition for Xmas. We make this a guarantee.

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Never fade or die—require no attention—are always fresh and attractive. Compare these prices with the greenhouse plants, which need constant care. Our Palms are all potted. Prices—

Two feet high.....50c
Three feet high.....75c
Four to five inches high.....90c
Tree Palms from \$3.00 up to \$12.00

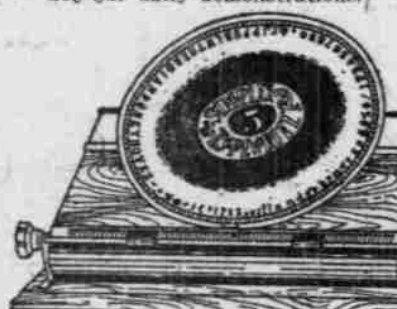
BENARES BRASS TRAYS, PLAQUES, CANDLESTICKS AND VASES.

FINE FRENCH PERFUMES

Our display of Perfumes is absolutely complete. All well-known makes are represented by their latest and best creations. The Perfumer's art has changed greatly during the past decade; delicate, lasting Perfumes have replaced the strong, persistent pomade extracts of earlier days. Our exhibit of Holiday packages in CUT-GLASS Bohemian Ware, Austrian Court Boxes, Swiss Baskets, is well worth seeing. All our Perfumes sold at popular prices.

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Not a toy. Just what your boy or girl will enjoy. It's astonishing how one of these little letter writers improves a child's spelling and punctuation. Three sizes, all good: No. 1, \$1.00. No. 2, \$2.50. No. 3, \$5.00. See our daily demonstrations.



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The kind little Johnny can chew without fear of colic. Dolls, Dogs, Lions and Tigers' Tongue Balls. Microscopes.....35c to \$13.00
Reading Glasses.....45c to \$4.75

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With Oregon, Washington and Alaska Views.

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We have some of the handsomest Box Papers ever shown. Every package a work of art. The boxes when empty make appropriate Collar, Handkerchief and Cuff Boxes.

OREGON VIEW PAPERIES

Each envelope and notepad bears a photograph of Oregon scenery. Box.....27c

Gua metal Nickel Finish Stem Winders

Not the old time-honored devices, but new, attractive, up-to-date designs from the tiny Stamp Album at 15c to the full size and hand-etched bindings at \$4.75. We burn your name on leather Albums Free.

SOUVENIR POSTALS

Burnt Leather and Oregon Woods of the Lewis and Clark Fair, 2 for 5c.

Raffia and Raffia—New lot just received, all colors, package.....10c

The new games—Competition and Snooks.....50c

CUT GLASS

What can be more practical or attractive than our Quaker City Cut Glass? Awarded highest medal at St. Louis. Our designs are new, exclusive and artistic. Our prices have made this department famous and have placed America's finest Cut Glass upon thousands of tables.

5-inch Nappies, "Priscilla" design, for.....\$1.50
Spoon Trays.....\$2.95
Ice Tubs.....\$5.95
Water Jugs.....\$5.95
\$4.50 5-inch Bowls—Starlight design.
\$3.05 Celery Trays—Princeton cut.
\$1.95 Bonbon Dishes—Hamlet design.
\$7.00 Finger Bowls—Set of six.
\$1.55 Knife Rest.
Our assortment is complete.

Cribbage Boards and Dominoes, 25c, 50c, \$1.25, \$1.75.
Souvenir Playing Cards—Lewis and Clark designs.....\$1.00

Direct importations from the celebrated perfumers.

ROGER & GALLEY NEW ODORS

Bouquet Eucalyptus, Aromas, Feodalis, Veauodur, Santalini, Reve Fleur Andromeda.

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Bouquet Partheus, Velleda Laurinace.

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Ambre Duval, Saffron, Gel Nouveau, Le Trefle, Violet (Veeo-Lav), Au Kadsura, Bouquet Farnese, Ambre Royal.

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Delicate, lasting, fragrant, Saffron, Ambre Royal, Le Trefle, Wood Violets, Indian Hay.

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For ladies and gentlemen. Not an old style or idea in our rich displays of about silver, celluloid leather and staghorn. Prices for every purpose.

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Reproductions of the old masters. A great number of bronzes, Saffron, Feodalis, the famous Austrian Pottery, in Vases, Urns and Stationary.

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Every woman appreciates and enjoys a

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Our new very expensive set of Beveled French Plate Mirrors, in Flemish oak, ebony and gold frames are today within the reach of every one. Our Mirrors are all constructed to hang or stand.

90c, \$1.40, \$1.95, \$3.25, \$5, \$8, \$12.50.

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FINE UMBRELLAS AT JUST THE PRICE OF THE HANDLES

FACTORY PRICES FOR UMBRELLAS—Our regular retail prices are factory prices, because our silks come direct from the loom to us. Our handles are bought in large quantities from the maker. From these materials we make up umbrellas that will give the most wear, as well as neat appearance, for the price paid. This enables us to retail umbrellas on a factory profit, for we use only our retail help and storerooms for manufacture.

OUR UMBRELLA SALE PRICES—Our prices during this special sale are considerably less than our regular retail prices, because last Summer we made up many fine umbrellas of all qualities from \$1.50 to \$5.00 each for our Fall trade. The weather was so fine during the Fall months that we did not sell half of the goods made up. We cannot afford to let them get old on our hands, so for the few days before Christmas we are selling them at just the price of the handles. If you call and see them you are almost sure to buy at least one or two. Yesterday we sold as many as three and four to a single customer.

ALLESINA TWO FACTORIES

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WE have on Special Sale all of our finest Umbrellas, Whips and Canes, which gives you the privilege of selecting a gift from the finest stock on the Coast, at sale prices.