

### GENERAL MANAGER

### TO BE ARRESTED

Railroad Official Accused of Operating Locomotives on Fourth Street.

### CITY ORDINANCE VIOLATED

Prisoner Booked at Police Station and Released on Own Recognizance—Courts Will Decide Whether Law is Valid.

General Manager J. P. O'Brien, of the Harrison line, in Oregon, was arrested by Sergeant of Police Goetz in the offices of the Southern Pacific, in the Wells-Fargo building, shortly after 5 o'clock yesterday afternoon on a complaint charging him with the violation of an ordinance forbidding the operation of steam locomotives on the Fourth-street track. The railroad official had been expecting the arrival of an officer for some time, it having been publicly announced that he would be taken into custody to test the law, and he took the matter rather good-naturedly. After telephoning to W. D. Fenton, chief counsel for the Southern Pacific, Mr. O'Brien accompanied the Sergeant and Mr. Fenton to police headquarters, where he was booked by Captain Moore. Mr. O'Brien then went up stairs to the office of Municipal Judge Van Zante, who ordered the release on his own recognizance, and the case will be called during the ensuing session of court today.

Chief of Police Grimsbacher went to the office of City Attorney Kavanagh yesterday afternoon, upon instructions of Mayor Lane, and swore to the complaint against Mr. O'Brien. He then secured the warrant from the Municipal Court, and it was placed in the hands of Police Captain Moore for service. He assigned Sergeant Goetz to make the arrest.

When the case is called this morning, it is certain that the attorneys for the railroad company will seek postponement, and if they can convince City Attorney Kavanagh that it is justifiable, he will not oppose a reasonable delay, it is said. However, he is anxious to proceed with the trial of the case, as upon the outcome depends the city's rights in the matter.

It is said that Mr. O'Brien will issue complaints against other high officers of the company if the company's counsel tries to secure a lengthy delay in the case, and that he will separate offense under the provisions of the ordinance on which Mr. O'Brien was arrested.

**Railroad Contends Ordinance Void.**

Counsel for the company contend that the city ordinance is without effect; that the municipality is without power to pass any law which deprives the company from fourth street, and express the belief that the suit will end in defeat of the city in its efforts to force the cessation of traffic on that thoroughfare. City Attorney Kavanagh is confident that he will be able to prove that the municipality is clothed with ample power to regulate, through the police supervision section of the code, and is anxious to bring the case to a speedy trial. There is some talk in the effect that the railway company, under the provisions of a statute, may take the matter into the Federal Court.

The Southern Pacific Company, through Mr. O'Brien, has asked of the City Council that it extend the time of the company to operate steam engines and freight cars on Fourth street to May 1, 1906, which is now. This communication contained no offer of remuneration to the city, and did not even state that the line would be re-laid, but simply said the company hoped to be in a position then to take off its steam locomotives and freight cars.

The disposition of the members of the Council, as judged from their statements during the session of the Council last Wednesday, is that they would be willing to extend the time of the company to operate trains on Fourth street for a reasonable length of time, but that the company must compensate the city for the use of the street.

Mayor Lane's part in the matter was done when he ordered the Chief of Police to cause the arrest of Mr. O'Brien, it is said, and the matter is now up for decision by the courts. The Mayor said last night that he had no statement to make on the situation.

**Prisoner Booked at Station.**

There was nothing informal about Mr. O'Brien's arrest. He was taken into custody quite the same as if he had personally broken some state or city law. Police Sergeant Goetz went to his office in the Wells-Fargo block, a few minutes after 5 o'clock. The line on the complaint drawn up by Deputy City Attorney Tomlinson was hardly dry.

"I've got a warrant here for your arrest," Sergeant Goetz informed the railroad manager.

"I've been expecting it," Mr. O'Brien replied quietly and with no great show of interest.

He then telephoned for Attorney W. D. Fenton, and on Mr. Fenton's arrival the three went to the police station. Here Captain Moore, in charge of the second day relief, went through the same form that had been used in booking a drunken man five minutes before.

"What is your name?" the Captain asked.

"J. P. O'Brien."

"Where do you live?"

"Forty-six."

These facts were entered upon the criminal docket just under the notations made in the case of the drunken man who was being booked up. "You'd better see the Judge and arrange about bail," Captain Moore informed the prisoner.

**Released on Own Recognizance.**

The party went upstairs at once, where Judge Van Zante, after hearing the charges, said that Mr. O'Brien might go on his own recognizance until this morning, when the case will be called for hearing in the Municipal Court.

Mr. O'Brien said he was not prepared to make any detailed statement of the company's position for the time being.

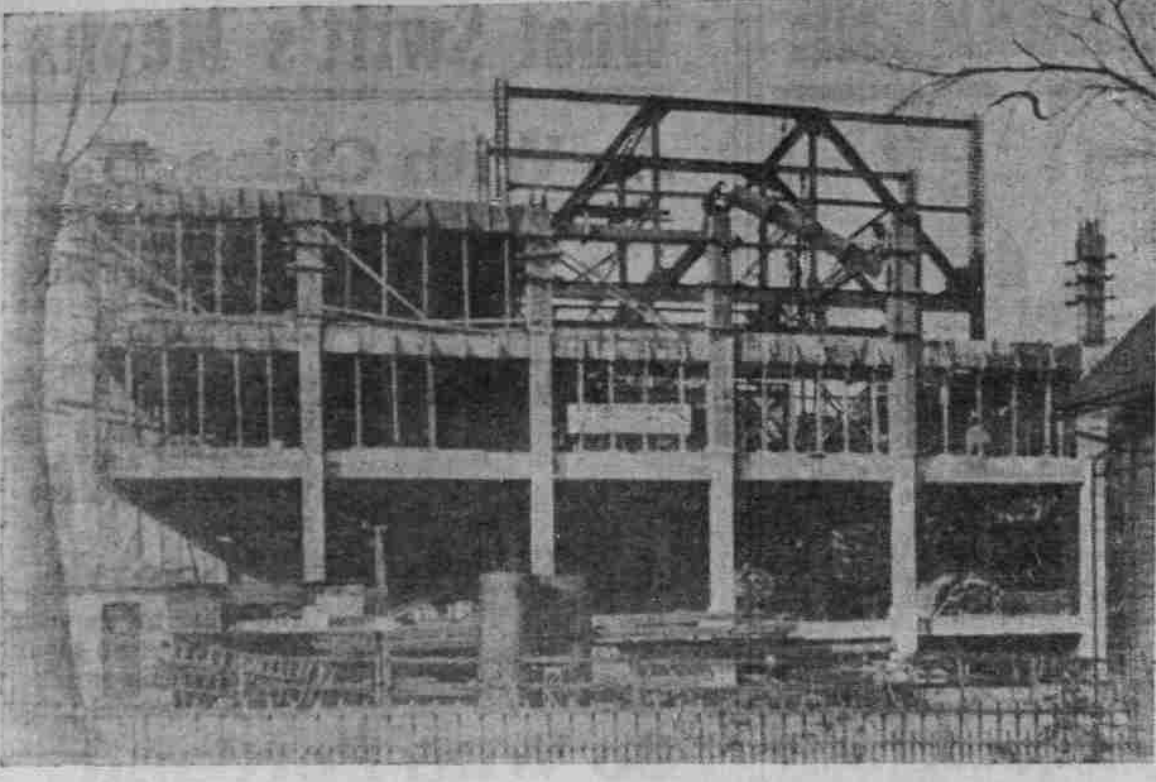
"There is no other way for the company to get into Portland," he said. "We've got to come in on Fourth street, or else stop trains at Bertha, outside the city."

"What would be the effect of that on West Side traffic?" he was asked.

"Well, it would leave the company up against it," he replied. "It would simply kill West Side traffic—and the West Side too," he added.

Further than this, and to say that an extension of time will be asked when the case comes up in the Municipal Court today, Mr. O'Brien would not discuss the case. He said he would prepare a full statement at a later date, possibly today.

### RAPID PROGRESS BEING MADE ON NEW HOME FOR Y. M. C. A.



VIEW OF BUILDING OPERATIONS AT SIXTH AND TAYLOR STREETS.

When in April, 1907, the half block fronting on Taylor street and running from Sixth to Seventh was obtained for the purpose of erecting new quarters for the Young Men's and Young Women's Christian Associations, it was thought possible to have the buildings ready for occupancy within a year. Some delay was caused, however, by reason of the financial pinch last fall, when funds finally became available for the Y. M. C. A. contracts were signed up, and for the last few months work has progressed by the Northwest Bridge Works until now the third and fourth stories have steel work installed and forms are in place for the concrete walls and uprights. It is the intention to proceed with the construction as rapidly as the concrete sets, so that the building may be put under roof and inside finishing be completed as early a day as possible.

### MAY KEEP GIRLS

### May Petty Given Custody of Adopted Children.

### MUST LEAVE HOSPITAL

### Jury Specifies She is Not to Go Back to Atwood Institution—Woman Says She is About to Marry

Dr. C. H. T. Atwood was one of the witnesses called upon to testify yesterday afternoon before a jury of six in the Juvenile Court. The case was that in which Miss May Petty was seeking to recover from the custody of the court her two adopted girls, Florence and Flossy, aged 8½ and 2 years. Dr. Atwood said he never performed a criminal operation in his life, but that he had performed one on the defendant's name. He built a house on the land, he says, and mortgaged it for \$1500, and later sold it without his knowledge for \$3000 to William Kerr. Brown demands \$1500 damages, and \$300 as his portion of the rent which has been collected. The defendant alleges that Brown has no interest in the place, that she hired him to build the house, and paid him in full for his services.

**Held on a Vagrancy Charge.**

Clifford Smoyer was discharged by Judge Morrow in the Circuit Court yesterday. Smoyer's case was appealed from the Municipal Court, and yesterday was the time set for trial. But during the time the case has been pending city ordinance 9688, under which conviction was secured in the lower court, has been repealed. The city, therefore, failed to prosecute.

C. W. Bowhay and A. H. Brown, indicted on a charge of selling liquor in dry precincts, were arraigned yesterday morning before Presiding Judge Gantenbein in the Circuit Court. They will enter their pleas next Thursday.

**Says Too Large Order Sent.**

Answering the suit of the John G. Beckler Company to recover an unpaid bill, Gray, McLean & Percy allege that the plaintiff company shipped more goods than the order called for, and that a portion of these did not conform to the pure food laws. The defendant company asserts that it could not take a part of the order, and that after being notified by the Beckler company that part of the goods could not be sold, it refused to pay for the rest of the bill, \$494.65, according to the defendant.

**Notes of Circuit Court.**

The grand jury, which has stood adjourned since last Tuesday, was in session yesterday. Among other matters, it began an investigation of the circumstances surrounding the recent fire at Arletia, when a bakery was burned.

**Le Barge Gets Five Years.**

Joseph Le Barge was sentenced by Judge Gantenbein yesterday to five years in the State Penitentiary for larceny in a dwelling. He pleaded guilty last week.

**POSTMASTERS TO MEET**

Men Administering Fourth-Class Offices Coming Saturday.

There will be a meeting of the executive committee of the Fourth-Class Postmasters' Association at the Portland Commercial Club next Saturday. The call for the meeting has been issued by Addison Bennett, of Irigon, president of the association. The coming meeting of this association recalls an incident which occurred just prior to the annual meeting of the Presidential Postmasters' Association last August. The officers of this association extended an invitation to the fourth-class postmasters, urging them to attend the meeting of the postmasters' association at the Portland Hotel. The invitation was declined. The formal invitation was addressed to the "fourth-class postmasters of Oregon" and was sent to Mr. Bennett as the president of that organization. The invitation called for one of Mr. Bennett's characteristic notes, addressed to the members of the invitation, in which he took exception to the designation of fourth-class postmasters as set

### lower court placed upon the union were considerably modified by the higher court.

### WILL SENTENCE LA ROSE TODAY

### Motion for New Trial Will Be Made or Appeal Taken.

Jack La Rose, the gaspipe thug, convicted Saturday afternoon of murder in the second degree for the killing of Hyman Neuman, is to be sentenced today by Judge Gantenbein in the Circuit Court at 9:30 o'clock this morning. J. H. Upton and Lester W. Humphreys, La Rose's attorneys, will make a motion for a new trial. In case this is denied by the court, they will appeal to the State Supreme Court. The life of the convicted murderer cannot, again be held in jeopardy, which would mean a trial on a second degree charge. In case no appeal to the higher court is taken the prisoner will be legally dead, and cannot be tried for the assault on Max Hermann and John Chong. But if not, John F. Logan, special prosecutor, says the state will press the other two charges against the convicted man.

**Brown-Hlatt Suit Resumed.**

The suit of Th. mas H. Brown against Lydia E. Hlatt, which was continued without day by Judge Cleland last week, was resumed yesterday in the Circuit Court. Brown contends that he had a half-interest in Albina property, the title to which is in the defendant's name. He built a house on the land, he says, and mortgaged it for \$1500, and later sold it without his knowledge for \$3000 to William Kerr. Brown demands \$1500 damages, and \$300 as his portion of the rent which has been collected. The defendant alleges that Brown has no interest in the place, that she hired him to build the house, and paid him in full for his services.

### GRAND OPENING TODAY

### The Pantheon Opens Today With a Fine Lunch.

The grand opening of The Pantheon, formerly the Grant Scott place, of 130 Third street, between Washington and Alder, takes place today.

It is under new management and owned by C. D. Elder, the well-known proprietor of the new Board of Trade Buffet in the Board of Trade building. It will be conducted as a first-class gentlemen's resort, and the stock carried in this house will be superior to any ever carried in Portland.

A sumptuous merchants' lunch will be served daily from 12:30 to 1:30 o'clock, which will surpass anything of its kind in the city.

The Pantheon has been entirely refitted and elegantly furnished and is now one of the most luxurious places in Portland. The public is cordially invited to call.

### FILES CURED IN 8 TO 14 DAYS.

Pain Ointment is guaranteed to cure any case of itching, blind, bleeding or protruding piles in 8 to 14 days or money refunded.

### PHILES CURED IN 8 TO 14 DAYS.

Pain Ointment is guaranteed to cure any case of itching, blind, bleeding or protruding piles in 8 to 14 days or money refunded.

### CAUSED BY HATED

### Jews Refuse to Intermarry Because of Persecution.

### REPLIES TO DR. HIRSCH

### Dr. Wise Declares Intolerance Has Driven Jews Together Rather Than Religious Precepts Laid Down in Biblical Law.

That the sentiment among Jews against intermarriage is the result of the persecution endured by them through the centuries and not from any religious scruples was the opinion expressed yesterday by Dr. Jonah B. Wise, of Temple Beth Israel, regarding the discussion precipitated by Dr. Hirsch's recent utterances. Dr. Wise declared that intolerance has "driven the Jew to his own" for centuries and that he feels a pride in the maintenance of his racial and social peculiarities, which have withstood the forces of persecution throughout his history. Said Dr. Wise:

The prejudice against intermarriage among the Jews—and there is such a prejudice strongly marked as the ban on such relations amongst the Catholics and Protestants—is as much a social force as a religious quality. As Dr. Hirsch has pointed out, the Bible narrows instances of marrying without the folk, as in the case of Moses and more notably that of Ruth, the grandmother of David, who was a Moabitish woman. The biblical narrative, however, deals with conditions far from similar to modern society and cannot be taken as a norm in this matter.

It can hardly be a matter of race prejudice as the ethnic difference between the modern Jew and his neighbor of other religious affiliations is not marked enough to induce racial antipathies, such as revolting differences in color, features or ordinary habits. It is a fact the explanation of which is best attempted from the standpoint of social dynamics.

The centrifugal force of intolerance has driven the Jew to his own for centuries and he naturally feels a pride in the maintenance of a religious and social uniqueness that has withstood the battering of the combined forces of destructive persecution for his history. Against this "old-time" impulse he has naturally thrust the centrifugal force of race pride and a small ambition for himself that it is a providence not to be denied or involved in any scheme of salvation that he has been separated not for his own good, but for his and his neighbors' sake. Intermarriage would disintegrate the cohesion which he considers essential to the fulfillment of his religious ends.

We sing our Christmas balls merrily, we sing our Christmas carols blithely, we tender to our near and dear friends, our Christmas gifts, and we do our best to prevent the cruel fatigue, the overwork of the employees in our stores and business houses; we fret over the discomfort and welfare of our fellow-beings, the clerk, the errand-boy, the expressman and hosts of others, seeing that they may indeed have a merry Christmas?

The W. C. T. U., the Consumers' League and other philanthropic societies have sent out annually, for many years, an appeal to the shoppers of the land, asking them to refrain from shopping the last ten days, or two weeks prior to Christmas, and thus do their part toward lessening the suffering of Christmas week, and to the end that they may observe the sacred time in deed, as well as in word.

"There has been, a great arrest of thought on the subject is true, and yet the need is still great, of more thought and more active work in relieving the holiday season from the perversion which it is unfortunately fallen into; the breadwinners, the lack of humane doing, is still deplored and again the appeal goes out, to the women of this land, to think on these things, to remember "we are our brothers' keepers." Shall not the prevailing custom be stopped, shall not conditions be so changed that the clerk, the cashier, in fact, "the world's toilers" may have a merry Christmas, one not made bitter by extreme cruelty and fatigue, that they may join with us in singing "Unto us a child is born, unto us a son was given, and that we may unitedly add, peace on earth and good-will toward men?"

Shall not the time come when: The whole world is a Christmas tree, And stars its many candles be, Oh, sing, O sing joyfully, The year's great feast is keeping!

LUCIA FAXON ADDITON, National lecturer of W. C. T. U. department of social economics.

### OPEN LETTER TO SHOPPERS

### Asks That Clerks' Comfort Be Considered During Holidays.

PORTLAND, Nov. 16.—(To the Editor.)—The holiday season approaches. Are we planning our Christmas shopping along humane lines? We feel like taking a text at the words, "A wonderful, horrible thing is committed in our land." Pa. xxiv. Christmas, that halcyon time, the anniversary of the nativity of Christ, has become a season of cruelty to scores of working people of our land. As buyers, we are to a large extent creators of conditions, and the cruel and unchristian methods and customs of our holiday shopping, can only be overcome and changed by the humane, thinking buyer. Charles Glide, of France, gave us a statement that we should think upon seriously, that "ere upon the threshold

### WOMEN'S WOOL COATS, \$1.00

Vests from pure wool..... \$2.00  
Youth's Suits, sizes to 35..... \$3.50  
Men's Pants, splendid patterns..... \$1.00  
Boys' Knee Pants, sizes 6 to 18..... 50c  
Men's All-wool Suits..... \$5.00

At the closing-out sale of the wholesale stock, front and Oak streets, in the wholesale district.

**AN OCCASIONAL WHIFF.**

Too busy to smoke during business hours?  
Just step out of the office for a moment and draw a few sweet whiffs of genuine Havana.

Sichel sells short smoke—little cigars of highest quality—each one a few delicious puffs.

### A PRACTICAL BEAUTY DOCTOR.



ARTHUR JEHU.

This young man is a practical help to any community—if his patient's face is disfigured or faded he at once gives him or her a new face, and if the patient needs it he supplies him or her with a new hand or hands—more wonderful, he changes the tone of his patients' voices at his will, and even makes the dumb to speak, he feels that his patient is inclined to be a little fast he makes him slower, or if a little slow he makes him faster. He has constantly on hand for treatment 100 to 200 patients, and is doing a rushing business. To explain, Mr. Arthur Jehu is Staples, the Jeweler's, clock maker, and it is without doubt the most accomplished man in his line on this Coast. He is a watchmaker of no mean ability, but recognizing the fact that most watchmakers do not like to repair clocks, and shirk them, he has made a specialty of clocks, until he is an expert in his line, and he finds plenty of work in the clock shop of Staples, the Jeweler.

### LOOK OUT FOR YOUR JEWELRY



L. L. MILLER.

This young man will get all the jewelry, clocks or watches you have for repairs if you don't look out for them. He calls for all repairing, takes it to Staples, the Jeweler, where a first-class lot of workmen in good equipped shops—repair them and then returns the articles to you in first-class shape under warranty of Staples, the Jeweler—takes your heavy and cumbersome clock, although old, makes it new again—has it set, and on its own shelf to bless the household by keeping good time. Phone Main 2254.

### LOGICAL ECZEMA CURE

Indorsed by Physicians

After treating eczema for years as a practically incurable blood disease, the medical world is greatly interested in the discovery that it is not a blood disease at all, but is due to a parasite in the skin itself. This parasite is easily destroyed by the external application of a compound of oil of wintergreen, thymol, glycerine, etc., which will quickly kill all eczema germs, while soothing and refreshing the skin.

R. A. Folkerts, of Duluth, Minn., tells of the success with Dr. D. D. Prescription in treating patients.

"There was a man here suffering from Eczema for the last fourteen years, and I applied the Dr. D. D. treatment. I also applied it to a man of West Duluth, Minn., who has been suffering with Rheumatism for fourteen years, and Eczema in his feet, and the second treatment in both cases cleared the skin almost absolutely. I hope that everyone in the world will be able to learn of your grand remedy. The first application is only a balm, and its soothing effect is beyond expression. I shall never be without it, and shall use it among my patients altogether."

No matter how terribly you suffer from eczema, salt rheum, ringworm, etc., you will be instantly soothed and the itch allayed at once when a few drops of this oil of wintergreen compound is applied. The cures all seem to be permanent.

Woodard, Clarke & Co., Skidmore Drug Co.

These special agents indorse Dr. D. D. Prescription: St. John Pharmacy, Sit. John; J. C. Wyatt, Vancouver; Howell & Jones, Oregon City.

### "JUST OUT" 48 PAGE CATALOGUE

& CULTURAL DIRECTIONS

WHEN-WHERE-NOW

to plant and cultivate Libell, Magnolia, etc., you will see instantly soothed and the itch allayed at once when a few drops of this oil of wintergreen compound is applied. The cures all seem to be permanent.

Woodard, Clarke & Co., Skidmore Drug Co.

These special agents indorse Dr. D. D. Prescription: St. John Pharmacy, Sit. John; J. C. Wyatt, Vancouver; Howell & Jones, Oregon City.

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**BUT—** You absolutely must have a Healthy Machine, a strong, well-fed BRAIN to work with.

Feed It! GRAPE-NUTS food is a genuine, trustworthy Brain Food.

**WHY?** It contains in digestible form the natural food elements taken from Nature's storehouse, the field grains, which the life forces select to build the soft gray filling of the brain. Phosphate of Potash, Albumen, and water are the only things that make it, and these elements are in Grape-Nuts and will be absorbed by the system when the same things taken as drugs will not, for Dame Nature is a more skillful compounder than man. The big Americans and Englishmen who do things have found out the sturdy value of

# Grape-Nuts

Food, and use it. Ask the next brainy, successful man you meet if he eats Grape-Nuts.

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Postum Cereal Company, Limited Battle Creek, Michigan, U. S. A.