TRY JACOBS CASE UPON ITS MERITS

Demurrer Pleading Statute of Limitations Overruled by Judge Gantenbein.

CHARGES SPOUSE'S FAMILY

Suzanne D. Jacobs Alleges Husband's Affections Were Allenated and He Left Her-All Parties to Suit Are Well Known.

That the Oregon law discriminates in favor of a married woman was the discovery made in the Circuit Court yester day morning when the demurrer of Suother relatives, raised in her complaint, came up for argument before Judge Gantenbeln. In the demurrer two point were urged: That the complaint not state facts sufficient to constitute a cause of action, and that the statute of limitations hars Mrs. Jacobs from bringing suit. She alleges that her rela tives alienated her husband's affections so that he left her to 1906. On this acount she demands \$200,000, of which \$199,800 is punitive damages.

Section 8 of the Oregon code provides

Section's of the Oregon code province that any suit for an injury to the person or rights of another not arising on contract, must be brought within, two years of the time of injury. As Mrs. Jacobs' husband left her in 1905, three years have clapsed.

G. G. Schmitt, Mrs. Jacobs' attorney, discovered, however, that Section 17 of the code gives a married woman five years more than a single woman, or a man, in which to bring suit. The section reads:

Superation for personal disability. If any person striked to bring an metion reemingled in this chapter, or be recover real property, or for a penalty or forfeiture, or against a flueriff or other officer for an escape, he at the time the cause of action accrued, either—1. Within the age of 21 years, or, 2. Impaired or, a criminal charge, or in secretains under sensence of a court for a term less than his natural life; or, 4. A matriced woman. The time of such disability shall not be a part of the fine immited for the commencement of the action, but the period within which the action but the period within which the action shall be brought shall not be exercised uses than five years by any such itselfallity, now spull it be extended in a shall be described uses than five years by any such its classification. Mr. The start of the desired than a five start of the desired than a five start of the desired than five years by any such its of the desired than the action of the desired than the period within the calculation of the desired than five years by any such its of the desired than the period of the desired than the period within the calculation of the desired than the period within the calculation of the desired than the period within the calculation of the period within the calculation.

John M. Gearin, of Dolph. Mallory, Si-mon & Gearin, who appear as attorneys for the defendant relatives, contended that Section 17 was repealed by Section

in passing upon the question, Judge Gantenbein decided that Section 17 does not impose or recognise a civil disability, but gives the wife a privilege. The case will, therefore, go to trial on its merits. The detendants were given 10 days in which to file an answer to the compaint. All the defendants are well known, beane Jacobs is a wealthy Portland property-owner, and is also interested in the Oregon City Woolen Mill. The other defendants are Clara Jacobs, the plaintiff's mother-in-law: Alfred G. Jacobs, caston G. Jacobs, Garry R. Jacobs and Lillian Lang, whose husband is a member of Lang & Co., the wholesale grocery firm.

IMPLEMENT FIRMS PROTEST

which when assessed here, amount to double taxation.

The Pacific Railways Advertising Company has protested against the payment of a \$28,000 merchandise av-acessment. The protests of these five firms will be fought out in the Circuit

Four Nonsupport Defendants Agree

to Mend Their Ways. George H. Grisbach was sentenced by Judge Webster in the County Court yesterday morning to Kelly Butte, but

yesterday morning to Keny Sutte, on the sentence was suspended on condition that he support his wife and their daughter, Pearl. The court of dered him to pay them \$15 a month, beginning December 1. In case he does not do so, and is sent to the Butte, the county will pay for the support of his wife and child, not to exceed

The non-support cases of Frank H. Dighton, Henry A. Ridgeway and Ellmer M. Brown were dismissed, upon the promise of those individuals to provide for their families hereafter,

JAPANESE WIFE IN SLAVERY

to the arrest of Sakama by J. H. Bar-bour. Immigrant Inspector, and when the shameful story became known, a warrant was sworn out against the husband. Yesterday afternoon Sakama was given a hearing before United States Court Commissioner Marsh. Mrs. Loin Baldwin also became interested in the case

MOTION FILED FOR NEW TRIAL

If Denied, La Rose's Attorneys Will Make Appeal.

Make Appeal.

A motion that Jack La Rose be given a new trial for the murder of Hyman Neuman was flied in the circuit Court yesterday. The verdict returned by the jury was murder in the second dagree. It is believed that Judge Morow will deny the motion, after which the attorneys intend to file a notice of appeal. As soon as the notice of appeal is given, La Rose is to be arraigned and brought to trial on the charge of assaulting John Chong. It is also expected that he will be compelled to face the Max Hermann assault charge.

Federal Timber Case Fails.

After being out less than ten minutes. a jury in Judge Wolverton's court yesterday afternoon returned a verdict of not grilly in the case of Richard Johnson, who lives on a homestead near Grants Pass. Johnson had been arrested by the Government agents charged with cutting timber on Government lands. Johnson took the witness stand and swore that he had taken up the land as a homestead and that he had compiled with the homestead law and was now watting for his patent. Attorney R. G. waiting for his patent. Attorney R. G. Smith, of Grants Pass, represented the defendant.

UNIONSERVICESTOMORROW

CHURCHES TO JOIN IN OBSERV-ING THANKSGIVING.

Sermons and Special Music Annonneed at Both East and West Side Congregations.

Thanksgiving services will be held to-Thanksgiving services will be held tomorrow in many of the local churches.
In most cases there will be special music.
As in former years, many of the churches
will hold union services. At the meeting
in Centenary Methodist Church at 10:30
o'clock, pastors from the Sunnyside.
Woodlawn, Grace and Centenary Churches
will be present. Dr. W. B. Hollingshead, District Superintendent, will preside. The sermon will be delivered by
Rev. W. T. Einstic. D. D., of Sinnyside
Church, Music will be furnished by the
Centenary Church choir, and a quartet
and charus under the direction of Professor C. E. Patterson, Professor Boone,
of Corvallis, will preside at the organ. and chorus under the direction of Professor C. E. Patterson. Professor Boone,
of Corvallis, will preside at the organ.
Union services will be held at 11
o'clock in the Universalist Church of
Good Tidings. East Eighth and East
Couch streets, by the following congregations: Temple Both Israel (Jewish).
Church of Our Father (Unitarian), and
the Church of Good Tidings. Rev. W.
G. Eliot, Dr. Jonah B. Wise, Rev. Nehemilah Baker and Rev. James D. Corby
will take part in the service.
There will be a union Thanksgiving
service of the First Congregational, First
Christian, First Methodist, Grace Methodist and St. James Lutheriae Churches
at 16:20 o'clock tomorrow in the First
Christian Church. Park and Columbia
atreeis. Dr. Luther R. Dyott will preach
the sermon.

the sermon.
Union Thanksgiving services of the sermon.

Union Thanksgiving services of all West Side Presbyterian Churches will be held in the First Presbyterian Church tomorrow morning at 10:25 o'clock, Rev. H. H. Pratt will deliver the sermon. The Marshall Street Presbyterian Church will hold its Thanksgiving service tonight at 7:45 o'clock, Rev. D. A. Thompson, of the Seliwood Presbyterian Church, will preach.

WILL HAVE KINDERGARTEN

Children's Home Board Planning New Beparture-Tea Success.

The attendance at the annual pre-

Carry Fight Over Assessments Into Circuit Conri.

Four large implement firms have filed with County Clerk Fields objections to their assessments. They are the Buffalo Pitts Company, the J. L. Case Company, the Advance Thresher Company and the A. H. Averill Company. The first three were assessed \$20,800 for merchandise and \$40,000 for money, netes and accounts.

The Buffalo Pitts Company wants the entire assessment reduced to \$21.347, while the Advance Thresher Company asks that its assessment be placed at \$44,000. The Equalization board saw fit to reduce the merchandise assessment should not be more than \$15,000, It has asked that the figure be cut to \$2000.

In each case these firms say that the eccunts are kept at Eastern beadquarters, so that the local books are only displicates, and allege further that their noises are secured by montagees on property outside Multnomah County, which when assessed here, amount to double taxation.

The Pacific Railways Advertising Company has protested against the Heitshu, Miss Ernestine Pailing and Miss Lowenberg. Presiding at the tea tables were Mrs. Thomas Kerr, Miss Sallie Flanders. Mrs. Gus Simon and Mrs. J.

ESCAPE ROCKPILE SENTENCE

The hostess of the afternoon was Mrs.

T. L. Elliott, first vice-president, who was assisted in receiving by saveral officers of the society.

DECRIES POOR STREETS

Head of Marshall-Wells Says That Wholesale District Is Behind.

A. M. Marshall, of the firm of Mar-shall-Wells Hardware Company, ar-rived in Portland yesterday from his home in Duluth, Minn. He stopped on his way at Spokane, where his com-pany is erecting a new building. About a year ago the firm bought two blocks a year ago the firm hought two nocks in the northwest end of the city through Charles K. Henry & Son, between Fourteenth and Fifteenth and Johnson and Lovejoy streets. It is the intention of the company to erect a large business structure on the site for its own use, but it has not yet decided when building operations shall been.

Revolting Case Brought to Light in

United States Court.

One of the most revolting cases of Japanese slave women on record here thas just been brought to light brough the arrest of Tasatamo Obata and another Japaneses named Sakama. Obata she was emphatic in saying that the isorded his wife in alavery to Sakama in order to pay up \$530 which he had borrowed from Sakama.

Mrs. Obata, in spite of the fact that she was the mother of two children, was forced to enter a house patronized by Chinese. A quarrel between Sakama and the woman's husband led

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Animal Throw Searf......\$12.50, \$16.00, \$20.00

Shawl Searf...\$25.00 and \$30.00

Animal Stole \$25, \$35 and \$40.00

Flat Muff. \$12.50 and \$15.00

Sable Fox

BaumMarten Fox One-Skin Searf.\$11.50 and \$15.00 Small four-in-hand \$ 4.50 Two-Skin Scarf.\$22,50 and \$27.50 Searf\$ 4.50 Shawl Searf. ... \$20, \$25 and \$30 Animal Searf\$ 8.00 Stole\$40.00 and \$45.00 Animal Stole ...\$30, \$45 and \$60 Flat Muff\$15.00 and \$20.00 Shawi Searf\$ 9.00 Animal Searf\$11.00

Black Wolf
Throw Searf ... \$14.00 and \$17.50
Shawl Searf \$18.00
Flat Muff \$12.50 and \$14.00 Muff\$ 7.50 Japanese Mink Four-in-hand \$ 9.50

Sable Squirrel Four-in-Hand \$ 6.00 Animal Scarf\$20.00 Flat Muffs...\$8.50, \$15 and \$20 Animal Muff. \$20.000 and \$25.00

Gray Squirrel

Two-Skin Boa\$12.50
 Shawl Searf
 \$12.50

 Shawl Searf
 \$12.50

 Animal Stole
 \$22.50

 Animal Muff
 \$15.00

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FRANCHISE CAUSE

Kellaher Tries in Vain to Secure Passage of Common User Clause.

BAKER IS CHIEF OPPONENT

Scores Mayor Lane and Fellow-Members as Obstructionists-Ordinance Is Referred to City Attorney Kavanaugh.

By the introduction of a cor user amendment to the proposed fran-chise sought by the Portland Raliway, Light & Power Company, Councilman Keliaher yesterday atternoon precipitated a debate, which ended in a de-ounciation of Mayor Lane and Council-men Keliaher and Vaughn by Councilmen Kellaher and Vanghn by Councilman Baker. The latter official charged that neither of the three named had done anything during their official careers to advance the interests of the city, but that they have continually, by their attitude toward capital, done much to retard the growth of Portland and to discourage others who have tried to bring in people with money to make of this a great metropolis. After spending the entire day considering the proposed franchises, covering 40 new lines and extensions, the Council adjourned.

The blanket tranchise, including the The blanket tranchise, including the to lines and extensions, has only been put through its initial trial, and will now be sent to City Attorney Kavanaugh for a checking up. It will be returned to the Council when certain amendments and any other matters he may deem wise are ready for the further consideration.

Says Amendment Is Unfair.

When Mr. Kellaher introduced the When Mr. Kellaher introduced the amendment for a common user clause, Mr. Baker deciared bimself opposed to it. He said it did not seem to him fair to insert the clause giving other roads the privilege of using lines built up and made profitable by the Portland Railway, Light & Power Company, merely by paying a small rate therefor. Mr. Vaughn and Mr. Kellaher then axplained their attitude, each saying that the common user clause has been incorporated in the franchises of the United Railways Company, the Mount Hood Railway & Power Company and the Oregon Electric Company, and they could see no reason why it should not

the Oregon Electric Company, and they could see no reason why it should not be incorporated into this proposed franchise for the Portland Railway, Light & Power Company.

"If it is fair for one," said Mr. Vaughn, "it is fair for all, and I tell you right now that, if this Council does not incorporate the common user amendment into this franchise, the Chief Executive will veto it, and I doubt if enough votes can be musdoubt if enough votes can be mus-tered to pass it over his veto,"

Baker Replies to Vaughn.

"That is just it," replied Mr. Baker.
"The Chief Executive will veto it; that is the kind of talk that has kept Portland back for years. He will veto it, perhaps, but I doubt if the Mayor or Councilmen Kellaher and Vaughn can point with pride to anything they have ever done to assist in making Portland a great city. On the other hand, they have done a whole lof of things to retard its growth and check its progress."

Mr. Vaughn heatedly replied that he ar. vaughn nearesty replied that he had at least "treated all alike," and said he defied any one to show where he had ever cast a vote, making "fish of one and flesh of another." Some Councilmen, he said, could not say as much, but he would name none of

them, he said. Mr. Kollaher made no reply, but argued repeatedly for the common user amendment, which falled of passage, but was sent to City Attorney Kavanaugh, with other matters

of passage, but was sent to City Attorney Kavanaugh, with other matters for consideration.

There is a charter provision which makes it obligatory to insort the common user ciause in franchises for "commercial" railroads. Frederick V. Holman, chief counsel for the company, said he believed the courts would hold that a steetcar line is not a "commercial" road, and Mr. Kavanaugh said he believed the contention well taken. At any rate, there is a section in the franchises, making all charter provisions effective.

Mr. Vaughn tried to address some personal remarks to Mr. Baket, but was declared by President Rushlight to be out of order, unless the Council voted special permission. Mr. Vaughn asked for this, but his request met with some pointed remarks.

"What do we care for Councilmen Baker and Vaughn's opinion of each other?" asked Councilman Bennett. "We want to get down to business."

"Go into the ante-room and fight it out," suggested Councilman Driscoll.

"I fight out my battles right on the foor of this Council," shouled Mr. Vaughn, who was again called to order, and he then took his seat.

In discussing the date of the expiration of the franchise, when Councilman Malface moved that it be set for December 31, 1832. Mr. Kavanaugh asked If all the franchises expire simultaneously, and it developed that they

asked if all the franchises expire simul-taneously, and it developed that they do not. In reply to a question, Mr. Holman said the company contends that it has a perpetual franchise so far as the lines of the old Oregon Water Power Company is concerned. The date was finally fxed as proposed by Mr. Wallace.

At the conclusion of the session, Mr.

At the conclusion of the session, Mr. Holman announced that the company is willing to accept the wish of Mayor Lane that the Council shall be requested in each instance when the company wishes to change from a double to a single line or vice versa.

During the morning session, Mr. Kellaher tried to secure the passage of an amendment, fixing five cents as the maximum fare to be charged on any line entering the city, more particularly the proposed line to the Swift packing-houses on the Peninsula. The effort failed, however, and from the inference drawn from remarks by Vice-Inference drawn from remarks by Vice-President F. I. Fuller, for the company, a 10-cent fure will be charged there.

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Diseases of Men

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