PAVING COMPANY MAY LOSE FIGHT

Kellaher Attacks Clause Under Which Boston Firm Operates in Portland.

WILL TAKE VOTE TUESDAY

Walter B. Warren Presents Arguments for His Concern and in Payor of Permitting Patent Materials Under Charter.

The Warren Construction Company, layers of bitulithic pavement, a patented and copyrighted article, is making the right of its life before the Charter Board, and came very near losing the battle just before adjournment of the Board at 5 o'clock yesterday afternoon. The final vote on a resolution by State Senator Kellaher, however, was postponed until next Theshoy night, when its fate will

be known.

Walter B. Warren, member of the firm,
was present at the meeting, having come
was present at the purpose. R. W. was present at the meeting, having com-from Boston for the purpose. R. W. Montague, a member of the Charter Board, excused himself iong enough to defend the company, as its legal ad-viser for Portland. It was intimated by both that the movement is instigated by the Barber Asphalt Paving Company, but Mr. Kellaher emphatically denied this.

this, The Kellaher resolution, with a sligh amendment by John F. Logan, a r

Proposed Clause on Paving.

Proposed Clause on Paving.

The Council shall not adopt any plans specifications or estimates and shall no mand any contracts for any street pavement requiring the use of any patented or copyrighted article or process protected by any trade-mark or copyright, or any article of process wholly controlled by any person, firm or corporation or any combination thereof without first receiving bide for such patented article or process in competition with some other article or articles, process or processes which will answer the same general purpose as the patented article or process, and the contract shall be let to the lowest responsible bidder for the kind of pavement selected.

Mr. Vallaburga contracts.

ment selected.

Mr. Kellaher's contention is for absolutely open competition in bids for street improvements, and he declares that, in improvements, and he declares that, in order to have this, all patented and copyrighted names must be eliminated. He says his resoltution will effect this. He also declares that this would be fair to every company or person bidding. Mr. Warren, however, declared before the Board that, if the Kellaher clause carries and becomes a law, it will drive his company out of business here. He strongly intimated that his greatest rival, the Barber company, instigated the movement. To this Mr. Kellaher replied:

"No, sir; I want to tell you that you are absolutely mistaken. The asphalt agents have never chased me half as hard as your people did when I was in boston last June."

Mr. Montague, representing the bitulithic company as legal adviser, said that
a bill identical with the Kellaher measure has been introduced in ten states, in
at least two of which it is known that it
was done through agents of the ashalt
trust and said that such a measure
drives out the Warren Construction
Company and the bitulithic company
wherever operated, and is a pernicious
measure which benefits only the asphalt
combine.

Takes Fling at Kellaher.

'I opine," continued Mr. Montague, "that this resolution will have the same ect, if passed, even though it be intro-ced by Senator Kellaher, the great patriot, who is destined to go down in history as the author of the nine-foot-sheet law." (Laughter.) "Will nine feet be long enough for

out retorted Mr. Kellaher, whose heet law is pending before the Legis-ture at Salem.

With about six feet cut off," answered Mr. Montague, who is short in stature.

Theodore B. Wilcox, a member of the Charter Board, took great interest in the paying debate, and, after considering the Kellaher resolution, moved its adoption. Mr. Logun moved to amend so that the Council will have power to ask for bids "for such patented article or process which will answer the same general pur-pose as the patented article or process. and the contract shall be let to the low asible bidder for the kind of

Amendment Is Not Approved.

This amendment, it is said, will not be accepted by Mr. Kellaher, as it is said to contain sufficient loopholes to enable copyrighted brands of material, contrary to the desire of Mr. Kellaher. Mr. Wilcex and others are opposed to the amend-ment also, and it remains to be seen what will be its fate when the Board

what will be its fate when the Board meets next Tuesday night.

Mr. Kellaher made a statement to the members of the Board, in which he said that the Board may do as it sees fit, but he will put the matter before the people at the next general election anyway, so as to be extrain, he said, of its being enceted and becoming a part of the charter.

Mayor Lane came into the meeting just before adjournment, and was asked as to bis views on the matter. He said that his views on the matter. He said that there are some patented articles that are better than others not patented, and that, if the Board will eliminate the maintenance clause in the charter and compel companies to lay pavements that will show a certain analysis and to be guaranteed for at least two years, the rest will take care of itself. The Mayor, in this regard, sympathizes with the contentions of the bitulithic concern; he contends that if a firm or person has an article worth anything. It has a right to protection by patents and copyrights, and thinks the city should not undertake to repeal the

Reads Letter From Chicago.

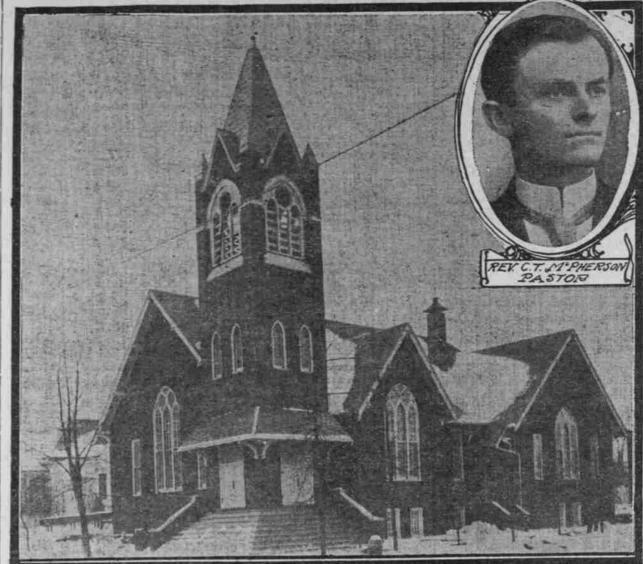
Mr. Kellaher produced a letter from the Chicago Department of Public Street Improvements, showing that no patented articles are allowed in the paving in that This impressed several of the mem

bers of the Board greatly.

At the opening of the session Mr. Wilcox, as chairman of the committee on Department of Water supply, brought up the matter of having a special board to direct construction of the Bull Run pips line and reservoirs, and said that the see contained in the committee report submitted the previous day, were merely put in as a suggestion, and that it was not intended to have the men named conelituie a permanent board, but that others could easily have been substituted. The Board finally voted to give the Council ser to name such a special board if it res, but did not make such actio obligatory.

New Oregon Postmasters.

CHURCH TO BE DEDICATED TOMORROW, THE PASTOR AND OFFICIATING BISHOP



FIVE DIVORCES GIVEN

Judge Gantenbein Frees Wives From Galling Yoke.

FLIRTING ACCUSED

Edith Lewis Charged by Husband With Talking to Other Men. Irene Ward Says Husband Stays Away From Home.

Judge Gantenbeln granted five diorces to as many discontented wives In the Circuit Court yesterday.

Edith Lewis obtained a divorce from Edith Lewis obtained a divorce from George Lewis yesterday afternoon. They were married April 30, 1898, and have two children. Mrs. Lewis said that one night when she went to put the dog out for the night, her husband accused her of having carried on a conversation with a man, and when she denied it, attacked her, choking her and tearing her clothing. She said that Mr. Lewis is in the habit of drinking excessively.

"We had been taking dancing lessons," said Mrs. Lewis, and I had one more lesson to take. My husband said he had five lessons more, and wanted me to take them, as he could not. I told him I couldn't either, at which he

me to take them, as he could not it told him I couldn't either, at which he said I had something else in view. 'Here's \$80,' he said. 'Go get a divorce.' I told him I could live without a divorce. Then he said. 'D— you you come with me. If you don't, I have a revolver, and I'll kill you.' I had him arrested, but the charge was dismissed in the Municipal Court when he promised to behave himself."

promised to behave himself."

Irene Ward objected to her husband staying away from home two and three days at a time, boasting when he returned of the good times he had had in the company of female acquaintances. She testified that he published a notice in a paper that he would not be responsible for any of her debts. They were married October 18, 1906.

Annie B. Lockwood said she was mar-Annie B. Lockwood said she was mar-ried to Raymond El Lockwood on March 28, 1894, when she was but 14 years old. She is now 19. She said she was deserted by her husband after her two little ones had died. The marriage took place at Vancouver, Wash, and the husband left to take 5 1894. Mrs. Lockwood was not on July 5, 1906. Mrs. Lockwood was per-mitted to resume her malden name,

Mrs. W. von Pingel obtained a di-vorce from Viggo von Pingel, alleging that he deserted her at San Francisco, October, 1995. They were married at Copenhagen, Denmark. May 23, 1895. Helen Cook was divorced from Frederick Cook because he deserted her at Lewiston, Idaho. They were married in British Columbia, May 39, 1999.

DALEY NOT TO BE HANGED Stay of Execution Is Granted by Judge Gantenbein.

Harry Daley, the convicted murderer, will not be executed January 29. Judge Gantenbein, in the Circuit Court yesterday, granted a stay of execution pending an appeal of the case to the Supreme Court. A bill of exceptions was filed yesterday, in which it is contended that the court improperly refused to give to the jury certain instructions desired by the defendant. The court instructed the jury that if it should find Daley insane, it should so state in its verdict. Daley's attorney desired the court to say to the jury that Daley would, in the event they found him insane, be committed by the court to the insane asylum until he became sane, or until he was otherwise discharged therefrom by authority of ischarged therefrom by authority of

GERMAIN IN MUCH TROUBLE

Accused of Obtaining Money Under False Pretenses in Agency.

B. F. Germain was convicted of obtaining money under false pretenses by a jury in Judge Bronaugh's department of the Circuit Court at 6 o'clock last night. The jury was out only 45 minutes. It retired for deliberation at 5:10 o'clock last night.

Germain conducted Germain's highclass employment bureau on Morrison atreet. M. L. Clinesmith testified yester-day that he applied to the defendant for a position as a lumberman. He paid a deposit of \$7.50, he said, with the under-standing that within two weeks he would



BISHOP CHAS W. SMITH

it developed that there is no such firm as Smith Bros.' Lumber Company, although there was one ten years ago. A man named Lyons testified that he paid a deposit of \$7 to get a job at \$70 a month, relinquishing a good position in order to take the new job. Germain afterward offered to return \$5 of the amount he had paid, but Lyons said he refused to accept anything but the entire amount.

The Capitol National Bank of Denver amount. position or refunded the cash. He says

amount.

Germain said in defense that he only accepted the money as a deposit, and that he would have refunded it at any time upon demand.

GRAND JURY INDICTS FIVE

Four Not True Bills Returned Against Men Bound Over.

Five indictments and four not true bills were returned in the Circuit Court yesterday morning by the grand jury. The five men indicted were arraigned before Presiding Judge Gantenbein yesterday aft Presiding Judge Gantenbein yesterday atternoon by Deputy District Attorney Page. Richard Christopher, a negro, who had previously been arraigned, pleaded gullty to having broken into the dwelling-house of W. L. Mallery through a window on the night of November 23, intending to appear to be sentenced. commit burglary. He is to be sentenced at 2 P. M. Monday, when the others will also enter their pleas.

Tony Kwasniewski is charged with hav-ing assaulted John Buckman with a knife the day after Christmas. the day after Christmas.

E. A. Lowndes is accused of having uttered a forged bank check, passed upon the Meier & Frank Company. The check was drawn for \$116 on the Security Sav-

ings & Trust Company in favor of Sarah F. Powell, and was signed Fred Watrin. Lewis H. Maher is held under \$500 bonds in the County Jail as a witness in this A. J. Williams was indicted yesterday

for having stolen five revolvers from H. Beal's gun store.
Frank Bowlin, alias Brown, is alleged to have assaulted R. H. Craddock on December 9 by pointing a loaded revolver at him. Attorney Lennon was appointed by the court to defend Bowlin. R. P. Lottis, who is accused of naving stolen a diamond ring from Helen Tietjen on November 2i. Walter Pachesky is held for having, it

Walter Pachesky is held for having, it Walter Pachesky is held for having, it is alleged, assaulted and beaten Mike Tabiniski, December 26.

Not true bills were returned against Louis H. Maurer, Hy Hadler and J. P. Tuley. Maurer was cleared of a charge of uttering a forged bank check, Hadler of larceny, and Tuley of larceny in a dwelling-house. He was accused of stealing a motor from the Portland Commercial Club. The last three cases were bound over to the grand jury from the Municipal Court.

Municipal Court.

DRS. ATWOOD ARE CONVICTED

Circuit Court Jury Decides Alleged Hospital Is Nuisance.

Drs. C. H. and C. H. T. Atwood, the proprietors of the Atwood Maternity Hos-pital at Tremont, on the Mount Scott carline, were convicted of maintaining a suisance, at 6.45 o'clock last night, by a jury in Judge Cleiand's department of the Circuit Court. Attorney Haynes, rep-resenting the defendants was present in the courtroom when the verdict was read. District Attorney Cameron and Deputy District Attorney Cameron and Deputy Page representing the state. The Atwoods were not present, and at 7:30 o'clock last night the elder doctor accompanied by Attorney Charles F. Lord, was inquiring as to what the verdict was. The defend-ants have been out on ball since shortly after they were apprehended.

after they were apprehended.

The case went to the jury early yeaterday afternoon, Deputy District Attorney Fitzgerald making the closing OREGONIAN NEWS BUREAU, Washington, Jan. 15.—Oregon postmasters be given a place to work with Smith Bros. Lumber Company at \$150 a month. Richland, O. Kendall: Sodaville, Ida H. Horning: Van. Harney County, Lou Hows.

WANTED SOUTH OF THE PROPERTY O EPWORTH METHODIST EPISCOPAL CHURCH

died, and investigation of the case was made by the Coroner.

Boys on Probation.

Chester Matthews and Arthur Matthews Chester Matthews and Armur Matthews, aged 14 and 16 years respectively, were placed on probation in the Juvenile Court yesterday because they stood at the entrance to Mrs. Cain's house, 1723 Foss street, Columbia Park, supposedly laying plans to enter. These are the boys for thrashing whom Professor Hughson, of Portsmouth, was haled before the Justice Court He admitted having snapked the Court. He admitted having spanked the boys with a paddle, but was vindicated upon showing that the lads deserved it. The boys live with their father, A. P. Matthews, at 1781 Hurst street, and are now attending the Academy of the Holy Redeemer at Piedmont.

Says Promise Not Kept,

E. A. Baldwin is suing Nicholas F. Sar-gent in the Circuit Court to obtain an injunction which shall restrain Sargent from engaging in the restaurant, hotel or saloon business within 10 miles of Portland before January I. 1919. Baldwin says be purchased the Sargent Hotel, Grand and Hawthorne avenues, from Sargent on October II. 1807, paying \$19,000 therefor. He

The Capitol National Bank of Denver has started suit in the Circuit Court against C. J. Decker for the recovery of \$1500, alleged to be owing on a promission vota.

STREETCAR MEN.

We offer today men's sanitary fleeced shirts and drawers 35c' or 75c the suit; leather gloves 50c, worth \$4; wool sox leather gloves 50c, worth 2., the lie pair—that you pay 25c for elsewhere; heavy wool mitts 35c. McAllen & McDonnell, popular dry goods store, cor.

Bank Increases Capital.

MONTESANO, Wash., Jan. 15 .- (Special.)-The Montesano State Bank, at a meeting of the stockholders a few days ago, voted to increase its capital stock from \$25,999 to \$50,000. The bank has a surplus fund of \$45,000. The Bank of Elma, with a capital of \$15,000, is a branch institution, the combined capital and surplus being \$114,000.

Children's shoes at factory cost. Best

Epworth Methodist Edifice to Be Dedicated Tomorrow.

EXERCISES LAST ALL DAY

Bishop Smith Will Officiate at Consecration-Tenth Church Built by Rev. C. T. McPherson in as Many Years.

Epworth Methodist Episcopal Church. just completed at Twenty-sixth and Sa vier streets, will be dedicated at 10:30 clock tomorrow morning by Bishor Charles W. Smith, D. D., L.L. D., when Methodists and many other denomina tions will unite in the services. An entire day of special meetings has been arranged for by Rev. C. T. McPherson, the pastor, under whose direction the beautiful edifice was built. It stands as a monument to a faithful band of tireless workers, including men, women and children of all stations in life, irrespective of creed and is the latest securities to creed, and is the latest acquisition to Portland Methodism. District Superin-tendent W. B. Hollingshead will assist

the bishop throughout the day.

The church is one of the best in Portland Methodism, and is constructed so that it will serve the district in North Portland for many years to come and furnish adequate seating capacity. It has all the rooms necessary for conducthas all the rooms necessary for conducting regular preaching service. Sunday school, Epworth and Junior League, and also an entertainment hall and kitchen. The total cost when furnished will be about \$16,000. The pipe organ has not arived yet, but will be here within a short time. It will add greatly to the interior and in the musical equipment. This is the tenth church edifice built under the direction of Rev. C. T. Mc-Pherson, the pastor, in as many years. He has won for himself an enviable reputation in the Oregon Conference as a tation in the Oregon Conference as a church builder. In this enterprise, which was exceedingly difficult, he was which was exceedingly difficult, he was assisted by the city church extension society, represented by T. S. McDaniel,, and by many faithful people in the vicinity and others scattered over the entire city. The dedicatory services will consume the entire day, beginning with Sunday school at 9:30 o'clock. Following this will be the sermon by Bishop Smith, at 10:30. At 2:30 o'clock in the afternoon there will be a platform service, at which

will be the sermon by Bishop Smith, at 10:30. At 2:30 o'clock in the afternoon there will be a platform service, at which many prominent citizens, both ministers and laymen, will speak. T. S. McDaniel will preside. An Epworth League rally will be held at 6:30 o'clock, and will be in charge of W. H. Warren, president of Portland district. There will be brief remarks by all of the district officers, and responses by F. H. Hammer, president of the local chapter, and Rev. Mr. McPherson. Epworthlans from the various city chapters will be in attendance.

The last service of the day will be held at 7:30 P. M., when Dr. D. L. Rader, editor of the Pacific Christian Advocafe, will speak. There will be special music in the afternoon by the choir of Taylor-Street Church, led by W. H. Boyer. Bishop Smith will make the closing remarks.

marks.

MAKES PLEA FOR EXHIBIT

Curator Miller Wants Building in Which to House Public Museum.

The January number of the Chamber of Commerce Bulletin, just issued, contains an article by A. W. Miller, curator of the Chamber of Commerce exhibit and prominent member of the Oregon Academy of Sciences, in which he sets forth the need of a building for the housing of exhibits belonging to the Academy of Sciences, Oregon Historical Society, Audubon Society, and other organiza-Audubon Society, and other organizations. Colonel Miller points out the fact that the establishing of such a building would enable owners of valuable collections to display them for the benefit of the public. It would also serve as a meeting place for ploneer reunions and the National conventions which are held in Portland from time to time. Says

Colonel Miller:

Owing to our favored position, no museum in the world possesses a richer or more interesting field to draw from than that lying at our door.

Directors and managers of colleges and museums abroad realize this fact and have their agents and collectors continually among us and are carrying away our most valuable material. Whereas, if we had a permanent home in some modern, freproof building, with ample space to provide for our ever-increasing coffections, this would not be the case.

MARRED shapely, pretty figure, and many of them deplore the

Every woman covets a loss of their girlish forms after marriage. The bearing of children is often destructive to the mother's

All of this can be avoided, however, by the use of Mother's Friend before baby comes, as this great liniment always prepares the body for the strain upon it, and preserves the symmetry of her form. Mother's Friend overcomes all the danger of childbirth, and carries the expectant mother safely through this critical period without pain. It is woman's greatest blessing. Thousands gratefully tell of the benefit and relief derived from the use of this wonderful remedy. Sold

by all druggists at \$1.00 per bottle. Our little book, telling all about this liniment will be sent free. THE BRADFIELD REGULATOR CO.

Atlanta, Ga.



Fortune Telling

Does not take into consideration the one essential to woman's happiness-womanly health. The woman who neglects her health is neglecting the

very foundation of all good fortune. For without health love loses its lustre and gold is but dross.

Womanly health when lost or impaired may generally be regained by the use of Dr. Pierce's Favorite Prescription.

This Prescription has, for over 40 years, been curing delicate, weak, pain-wracked women, by the hundreds of thousands and this too in the privacy of their homes without their having to submit to indelicate questionings and offensively repugnant examinations.

Sick women are invited to consult Dr. Pierce by letter free.

All correspondence held as sacredly confidential. Address World's Dispensary Medical Association, R. V. Pierce, M. D.; President, Buffalo, N. Y. Medical Association, R. V. Pierce, M. D., President, Buffalo, N. Y.
Dr. Pierce's Great Family Doctors Book, The People's Common Sense
Medical Adviser, newly revised up-to-date edition—1000 pages, answers in
Plain English hosts of delicate questions which every woman, single or married,
ought to know about. Sent free, in plain wrapper to any address on receipt of
21 one-cent stamps to cover mailing only, or in cloth binding for 31 stamps.

Bilious?

Doctors all agree that an active liver is positively essential to health. Ask your own doctor about Ayer's Pills.

Ayer's Pills

"How are your bowels?" the doctor always asks. He knows how important is the question of constipation. He knows that inactivity of the liver will often produce most disastrous results. We believe Ayer's Pills are the best liver pills you can possibly take. Sold for over 60 years.

> We have no secrets! We publish the formulas of all our medicines.

I. C. AYER CO., Manufacturing Chemists, Lowell, Mass.

able specimens could be preserved under one roof.

Our museum cannot stand still. It must either go forward, grow and prosper, or it will go backward, die and decay, for 'a finished museum is a dead museum.' and in order to grow it must have more room and a home of its own. One of out city's most urgent needs today is a large convention hall or auditorium, with ample seating capacity for all purposes. This would enable our delegates attending any National convention held in the Bast to offer special inducements to secure succeeding conventions for our city. The people of the East are anxious to know more about the West and would send their most prominent men to represent them if we could furnish them with a modern, up-to-date hall for their meetings, located in some favorable locality, easy of access but removed from the noise and bustle of the manufacturing and business center.

FILES REPORT WITH CITY

Home Telephone Company Also Turns in \$1727.52 Check.

The Home Telephone Company, oper-Portland, filed with City Auditor Barbur esterday noon a statement showing the

from April 1 to December 31, 1908. The in-crease in the number of instruments in-stalled for the period is shown to be 960, a total of 8060. The Auditor also received a check for \$1727.52, I per cent of the gross receipts of the concern for the months included in the statement, which is acording to the terms of the franchise.

The Home Company made the most extensive report ever filed with the Auditor, and it is more nearly in conformity with what he regards as the spirit of the charwhat he regards as the spirit of the char-ter provision in this respect than any similar statement on record. There are very few companies which comply with the provision, because it has been held by the City Attorney that only such cor-porations as have received their fran-chises since the present charter took ef-fect are forced to obey the law.

ANNOUNCEMENTS.

Thompson is the foremost authority on eyes. Second floor Corbett building, Fifth and Morrison.

Also

Brave Fire Laddies

often receive severe burns, putting out fires, then use Bucklen's Arnica Salve and forget them. It soon drives out pain. For Burns, Scalds, Wounds, Cuts and Bruises its earth's greatest healer. Quickly cures Skin Bruptions, Odl Sores, Bolis, Ulcers, Felons; hest Plie cure made. Relief is instant, 25c at all druggists.

Men, Read This Through

For a long time we have been publishing a little booklet that goes farther to acquaint you with yourself, your duties, your physical possibilities and the common-sense things you ought to know about life-and you ought to have one. Send us your address and we will mail you one, or you can get it free by calling. There is no sentiment in the low prices we are making-it's a matter of dollars and cents

TO US AND TO YOU

Our superior advantages in knowledge and equipment make it possible, and this plainion is being found out every day by dozens of men who are thoughtful enough to investigate a little when needing the services of an experienced specialist.



Years ago doctors were supposed to charge as much for failures as for good results, but it is different with the up-to-date specialist of today, and our fee is a mere pittance compared with the results every patient receives in exchange.

We make a specialty of curing Men's Diseases, and our phenomenal success is due principally to the fact that we know how.

We cure Varicocele, Hydrocele, Vital Weakness, Blood and Skin Diseases, Kidney and Bladder Disorders, Ulcers, Sores, Painful Swellings, Burning, Itching and Iinflammation, Nervousness, Loss of Strength and Vitality and All Special and Delicate Disorders of Men. Our fees for cures are lower than the general family physician's

or surgeon. Medicine furnished from our own laboratory for the convenience and privacy of our patients; from \$1.50 to \$6.50 a course. If you cannot call, write for our free self-examination blank.

Many cases cured at home. Hours-9 A. M. to 8 P. M., and Sundays from 10 to 12.

ST. LOUIS MEDICAL AND DIYSPENSAR CORNER SECOND AND YAMHILL, PORTLAND, OREGON.

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I MAKE GOOD EVERY PROMISE I NEVER DISAPPOINT MY PATIENTS

I want to impress it upon every weak man that I can make him strong, vigorous, healthy, alert and free from every taint of disease and weakness. I have limited my specialty in practice to only a few of the more important disorders, so that I could KNOW these thoroughly. My experience along this one path of twenty-five years qualifies me to say positively that such troubles as Spermatorrhoes, Lost Strength, Varicoccle, Hydroccle, Specific Blood Poison, Stricture and "Wenkness" can be cured perfectly—so as to stay cured.

MY SCIENTIFIC TREATMENT. Dosing the system with powerful stimulants and tonics in an effort to restore the functional strength can have but one final result. The condition is rendered worse than before. General Nervous Depression is merely an indigation of a low form of inflammation in the prostate gland, and this inflammation is but aggravated by stimulating remedies that excite temporary activity. I employ the only scientific and fully effective treatment which effects a permanent cure by restoring the prostate gland to a sound and healthy state. I obtain complete results in every case I treat.



I CURE

CONSULTATION FREE MY HONEST AND CANDID ADVICE COSTS YOU NOTHING. I cheerfully give you the very best opinion, guided by years of successful practice. Men out of town, in trouble, write if you cannot call, as many cases yield readily to proper home treatment offices are open daily from 9 A. M. to 9 P. M., and Sundays from

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