DOES NOT CRANT IT

Judge George Refuses Injunct tion in Poolroom Case.

GIVES SWEEPING DECISION

Holds That Pool-Selling Is Gambling, and City Has No Power to Do Other Than Prevent It if Prevention is Possible.

SUDGE GEORGE HOLDS THAT-

Pool-selling is gaming, and the city has no power to do other than prevent

to grant any license for gaming or gam-bling of any kind. The city has no power to license gaming or gambling-

The license granted under the ordi-nance is invalid, and the ordinance is

the gambling act of 1876, now in force, node as a mixed question of law and fact. This section provides against any act which openly outrages the public decency, and is injurious to public

lating the gambling laws of the state, will leave him where it finds him and will not interfere with the Sheriff in any way. It will leave him to whatever edy he may have in the law side of

It is the duty of Sheriffs to inform against and diligently prosecute any and all persons whom they shall have reasonable cause to believe guilty of violating the gaming or gambling laws of

The application of M. G. Nease for an

The application of M. G. Nease for an injunction restraining Sheriff Word from interfering with the possession by Nease of the Warwick Club, on Fourth street, near Aider, where Nease and others associated with him have been engaged in neiling pools on horse races, was denied yesterday by Judge George.

The Council recently passed an ordinance licensing poolrooms, and Nease took out a license for one quarter, paying \$500 for it, which was the rate fixed by the Common Council After the place had been running about two weeks, it was closed by Sheriff Word, who still has a deputy in charge for the reason that deputy in charge for the reason that Nease refused to promise the Sheriff that be would abandon the poolselling busi-ness. The Sheriff contends that he has a right to hold on so long as Nease contin-ues to threaten to violate the law, and Judge George, in his decision, has refused to interfere with the Sheriff.

Cited State Laws.

The court, referring to the law govern-ing gambling in this state, said: "Our gambling statute of 1876 makes unlawful the dealing, playing, carrying

unlawful the dealing, playing, carrying on, opening or causing to be opened or conducted, either as owner or employe, any game played with cards, dice or any other device, whether the same be played for money, checks, credits, or any other representative of value, and in many ways seeks to hamper the commission of such crimes by affording remedies to losers, and awarding notes or conveyances in consideration thereof, and panishing owners of buildings or places used for gambling.

for gambling.

"The city charter supplements this law
and gives to the Council power to prevent and suppress gaming and gamblingvent and suppress or places where any houses, lotteries or places where my games are played in which chance pre-dominates. It further provides that, whenever the Mayor or Executive Board

receives satisfactory information that

be, in itself, violation of law, and there may be more or less mitigating excuse for it under excitoment of presence at an actual race, but the evil of maintaining a gaming-house in the midst of this city to coolly lure or entice the cupidity of the ordinary human being litte gambling for the chance of winning on some distant race, that, even conceding it not to be statutory gambling, is so subversive of public morals as to stay the arm of

"The charter of the City of Portland is the latest expression of the Legisla-ture of this state as to gaming-houses, and the prevention and suppression there-of. Its strong features, in regard to city officers entering gaming-houses and ar-resting all persons and selsing all instruments and destroying the same may reasonably be read in parl materia with the provision of the state law, and cer-tain it is that the state law made it the duty of the Sheriff to enforce against, and diligently prosecute any and all persons whom they shall have reasonable cause to believe guilty of violating the gambling or gambling nulsance laws of this state, and empowered him, as the county conservator, to defend his county against those who endanger the public peace or safety. But be that as it may, this court new holds that, on the present showing, it ought not to interfere with the Sheriff by any restraining or injunction order in the premises.

The plaintiff, admittedly, has entangled

said:
"If this were the only question this court would hold that the city charter gives the Common Council a right to license saloons for the sale of liquors within the city."

The point made that Nesse can go to the law side of the court means that he can sue the Sheriff for damages if he thinks he has been unlawfully dealt with, and thinks he has a case, or seek any other legal redress at law which he may have. may have.

DALE GOES FREE.

Last of Portland Club Gambling Cases Closed by Defendant's Acquittal.

It took the jury in the Harvey Dale gambling case just 15 minutes to agree upon a verdict of not guilty, which was returned to Judge Sears at 4 o'clock yes-terday afternoon. This was the last one of the three Portland Club cases. Peter

returned to Judge Sears at 4 o'clock yesterday afternoon. This was the last one of the three Portland Club cases. Peter Grant was acquitted several days ago, and a disagreement of the jury occurred in the Nathan Solomon trial.

The charge was a joint one against the three men as partners in having conducted a game of roulette on a certain date in nast July, which was a few days before the house was finally closed by Sheriff took a hand in the game and put them all out of business, were paying monthly fines to the city, which amounted to a sort of a license system.

The witnesses who appeared against the men were E. Quackenbush and W. H. Markell, who testified that they visited the Portland Club and saw the game of roulette, and other games in progress.

Dale made a defense that he was not interested in the gambling games at the club, but only the poolroom. Pat Powers and Peter Grant appeared as witnesses in his behalf. The defense of Grant and Solomon at their trials was that they had sold all the gumbling paraphernalis in the place, shortly before their arrest, to E. Richardson. Emmet: Williams, the well-known lawyer, testified that he drew the bill of sale and saw the money paid.

When the evidence was all in yesterday, Henry E. McGinn, who has assisted in these trials as special prosecutor, asked for a continuance until Monday. Ed Mondenhall and S. C. Spencer, counsel for the defense, objected, saying the Blazier case was set for Monday, and they were anxious to get through with these trials. They said they were willing to permit the case to go to the jury without any argument, that the jury had heard the evidence, and could decide.

Mr. McGinn wanted to make a speech, and Judge Sears denied the motion for a continuance, and limited the arguments to an hour on each side. Judge McGinn made a brief opening address, and when he had finished, Mr. Mendenhall said the defense would waive any argument. This put an end to the speech-making. Judge Sears instructed the jury, and the trial was soon over.

A complaint and summons in a divorce suit filed in Union County by Edna G. Dray against S. A. Dray was served yes-terday by Deputy Sheriff Grussi.

Suit for \$15,000 damages for personal injuries was filed in the State Circuit Court yesterday by Fred Sanstad against the Portland Lumber Company. On July 22, 1903, all of the fingers of Sanstad's left hand, except the thumb and part of the index finger, were cut off by some machinery, and he was crippled for life. He says the defendants were negligent.

Arthur Wright Orton, who alleges that Arthur Wright Orton, who alleges that his wife. Ethel C. Orton, eloped with Clement G. Smith, going with him to Denver, yeaterday filed suit against her for a divorce in the State Circuit Court. He accuses her of infidelity and also sets forth in his complaint that she stayed at a hotel in Tacoma under the assumed name of Mrs. C. Wilkes. They were married in Milwaukee, Wis., in July, 1885.

M. G. Nesse manner of the Warriele

"Poolroom gaming is certainly as had as any kind of gambling. The element of chance enters into poolroom gaming as much as in any other form, and fine distinctions as to whether this or that constitutes 'any other device' may be set to one side when facing a statute which punishes 'any act' which 'grossily disturbe the public peace, or which openly outrages the public decency, and is injurious to public morais."

"The law is against subterfuges on matters of 'devices,' and certainly a court of equity is not called upon to act by injunction, if there is any question of unlawful, yet it, by no means, follows that gaming on horseracing is, for that reason, a lawful business.

"Betting on horseracing even may not be, in itself, violation of law, and there may be more or less mitigating excuse for it under excitoment of presence at an actual race, but the evil of maintaining a

RESIDENCE AND STORE BUILDERS

Sing Words of Praise for the M. J. Walsh Co.

of public morals as to stay the arm of the court when asked to enjoin a Sheriff from interfering with such gaming establishment.

Refuses to Grant Injunction.

"In general, an injunction will not be granted to restrain persons from acting as public officers except in very clear cases of an injury immediate, pressing and irreparable, and this is not a clear case.

Every word you hear in regard to gas and electric chandellers, imported bronze electric figures, stand lamps, wall brackets, desk lamps, show window lighting, store lighting your home, store or show windows consult them and you will be benefited. Telephone them now regarding your lighting for the holidays.

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Our 196 office calendar has just been received and any one desiring one of these calendars can have one by calling at our office for same. MANHATTAN LIFE INSURANCE CO., William Goldman, manager. 209 Oregon

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The M. J. Walsh Co. just received the largest shipment of gas fixture glassware that ever reached the Coast. Call at once and make your selection. Showrooms, 342

FIREPLACE HEATING.

himself with questionably unlawful husiness, but a court of equity must leave
him and the Sheriff where it finds them.

"Equity will not issue any injunction
to nid plassuff is continuing a poolselling
to rect. Their line is most complete and
up to date. Showrooms, MI Washington
street.

WORSHIP THE JOSS

Dedication of New Deities Now Taking Place.

CELESTIALS HAVE FEASTS

Chinatown is a Place of Happiness and Good Cheer, Where the New Josses Are Implored to Defeat Plans of Sheriff Word.

JOSSES BEING DEDICATED.

CHIN LONG KWONG-Reputed to have been 200 years old when he pas from terrestrial existence; has tem in Pekin, Hong Kong and Shanghat; supposed to have acquired great virtues. CHIN KOW CHU-Reputed to be 800 years old, and endowed with everlasting life; can mingle with egirits and mortals alike; he is the joss of laughter and is always represented with a smile on his

GA GUIN-The great joss of good fortune, to whom Chin Long Kwong and Chin Kow Chu are subordinate, and over whom he rules; he is the best-beloved of jones, and will be formally dedicated during Chinese New Year's.

Today's Programme. 1 P. M.-Worship begins in josshouse. 3 P. M.-Secret and individual worship

ried from new josses to the ill in the Chinese hospital, 9:30 P. M.-Great feast in all the res-

taurants, at which every one will be

The first ceremony in the dedication of Ga Guin, the new joss of good fortune, which came recently to Portland's Chinawhich came recently to Portland's China-town from Canton, took place yesterday. The ceremonies will culminate on the first day of the Chinese New Years, when Ga Guin will come into his own, breathe the breath of life, and take his stand in the proper niche of the Joss-house on Sec-ond street to defeat the sinister purposes of Sheriff Thomas Word and all others inclined to make it disagreeable for the Chinamen.

The opening of the services comes two weeks sooner than it should have come. There is a reason for all this, and Sheriff Word is mixed up in the reason. A prominent member of the Chin Wing Chung tong over which the new joss will rule, gave voice to the sentiments of China-town in this connection yesterday. "Washa maila Tiom Word?" he asked.

"Sting bloke? We fix um."

And then, with many labored gestures, he proceeded to explain that, after the services of dedication commenced, the mighty Ga Guin and his associate josses, mighty Ga Guin and his associate Josses, Chin Long Kwong and Chin Kow Chu, would see to it that good fortune ruled in Chinatown, and that Sheriff Thomas Word would feel the lil-favor of the Josses mentioned if he dared to invade the sacred precincts presided over by the queer delties. It is Ga Guin and fantan against Tom Word and the law, and the Chinese are not betting on the latter combination.

a divorce in the State Circuit Court. He accuses her of infidelity and also sets forth in his complaint that she stayed at a hotel in Tacoma under the assumed name of Mrs. C. Wilkes. They were married in Milwaukee, Wis., in July, 1895.

M. G. Neass, manager of the Warwick poolroom, indicted for poolselling, surrendered himself to the custody of the Sheriff yesterday morning, and was afterward released on his own recognizance, to appear for arraignment Monday in the United States Court. The amount of his ball will probably then be fixed. Sheriff Word still holds possession of the Warwick Club premises, and has not yet decided to vacate. The bail of a number of persons charged with playing poker was fixed, and also that of two Chinese fantan players.

Biward Stiles, who pleaded guilty to

receives satisfactory information that any house, room, or premises within such city or within four miles of the corporate ilmits thereof is used as a common gaming-house or common gaming premises, for playing therein for wager or money at a game of chance, they shall direct the Chief of Police or any other officer of the force to enter such house, room or premises and arrest all persons therein found offending against any law, and to sieze all instruments of gaming, lottery tickets, or lottery policies, and bring said articles into court.

Scores Poolroom Gambling.

"Poolroom gaming is certainly as had"

J. G. Seed complains that property which is spiritual existence. He has temples in Pekin, Hong Kong and fast, was sentenced by Judge George yes-that the fact with his fast, was sentenced by Judge George session for the County Jali. The woman told Judge George session fast, was sentenced by Judge George session fast, was sentenced b worship are supposed to be inhabited by his spirftual self in turn, and it is the belief of the Celestials of Portland's Chinatown that the spirit of Chin Long Kwong descended and took up his station in the new joes resterday at 19 o'clock in the morning. Then every Chinaman ruled by Ga Glu and his associates prostrated himself wherever he happened to be at the time, numbers of them in the joss-house, some in the stores, some in the street. Because of his cheerful nature and particular virtues, Chin Long Kwong was appointed by the high priests an associate loss of Ga Guin, one of the most-worshiped josses in the list.

Chin Kow Chu, the other associate joss, is reputed to be 800 years old, and he never passed from terrestial life. Chin Kow Chu, when he became a saint, became Invisible and acquired the quality

kow Chu, when he became a saint, be-came invisible and acquired the quality of mingling with spiritual josses and ter-restrial ones alike. Chin Kow Chu is the joss of hughter, and because of this he aids in the protection of Ga Guin, and is

aids in the protection of Ga Guin, and is respected by all Chinese, the great principle of whose religion is cheerfulness. There is an eternal grin on the face of Chin Kow Chu. This is the jess approached by the Celestial who has a bad case of the "blues."

The joss-house is profusely decorated with joss decorations recently received from Canton. The decorations and ornaments were blessed by priests before they began their long voyage across the seas. Chin Long Kwong and Chin Kow Chu have been placed on the altar in their respective positions, and Ga Guin, when he is dedicated on Chinese New Years, will be placed between them and a little higher, as becomes an officer of higher rank. On the day when Ga Guin comes into his own there will be rejoicing higher rank. On the day when Ga Guin comes into his own there will be rejoicing in Chinatown, and a feast such as rarely occurs. And then—and then Sheriff Thomas Word, of Multnomah County, may batter at the strong doors and chase lottery tickets and attempt to gather in fantan games, but he will fail, for Ga Guin, the god of good fortune and good spirits, will guard Chinatown and resist all efforts of the intruder.

In celebration of the dedication of Ga Guin's associate gods the Chinese were playing fantan last night in a small room in the rear of the joss-house. The winners looked upon their luck as an omen of good fortune, and the losers immediately prostrated themselves before the altar and declared to the josses that they deserved the chastisement for faults committed. The great feast began at 3:30

iltied. The great feast began at 3:30 clock, and continued until an early hour

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THIRD AND OAK STREETS

this morning, nearly every Chinaman in you. To thy mercy we commend ourthis morning, nearly every Chinaman in the city partaking of the viands. This afternoon, at 1 o'clock, worship will again begin and another feast is scheduled for tonight. A priest from San Francisco is conducting the ceremonies.

In his address to the josses yesterday at noon, the priest delivered himself as we ought. Take away the influence of follows, according to an interpreter:

"Mighty guards of Ga Guin, we salute"

The convention of County Clerks to Meet.

County Clerks to Meet.

County Clerks to Meet.

The Convention of County Clerks and Recorders of the State of Oregon will meet at the gathering will be a large one. Various follows, according to an interpreter:

"Mighty guards of Ga Guin, we salute"

The session will last for two days.

County Clerk Fields, who has taken a great deal of literest in the matter, says that didging from letters he has received discord—all of which is so because we have not had thee. Help us now to live as we ought. Take away the influence of our tormentors. Guide us in these things and let us triumph, that we may laugh

and be merry and righteous, that we may | ing place. The session will last for two

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