

TO "MOVE ON" OR NOT TO "MOVE ON"

JOHN E. POVEY, PRESIDENT OF POVEY BROS. GLASS COMPANY, DECLARES AGAINST THE RIGHT OF THE POLICEMAN TO ARREST HIM.

"I Believe You Have Brains Enough to Decide This Case and to Remind the Officer," He Tells the Judge Who Declines Against Him and is Fined \$5. Then His Case is Continued by Special Arrangement.

The question of the right of a citizen to stand on the streets after a policeman has ordered him to move on was argued at length in the police court this morning.

After the court had imposed a fine of \$5, Mr. Povey announced his intention of consulting his attorneys in an effort to attack the constitutionality of the statute, whereupon the sentence was withdrawn and the case was continued until tomorrow.

The case was full of fireworks from the start and will be a hot one in the argument before the judge in his own behalf narrowly escaped fine for contempt of court.

"It is not a question of law," shouted Mr. Povey to the court when the judge said what the law stated. "It is a question of simple justice."

The arrest occurred at 11:15 o'clock last evening at Third and Burnside streets. Four men and Mr. Povey were sitting on a pile of lumber in Burnside street.

"I'm from Missouri," said Mr. Povey, with a smile, "and you'll have to show me."

The policemen were not slow in showing him, for they marched Povey to the station where he deposited \$10 bail and went his way swearing vengeance.

"What do you mean by this charge?" was asked of the defendant when the case was called.

"Not guilty," most emphatically, said Mr. Povey, with a smile as in his mind's eye he saw himself triumphantly acquitted.

The two officers testified that Mr. Povey had said he didn't have to move. They asked him to do so several times.

Being a business man Povey told the officers to use a little judgment, and for that matter he would sit on the lumber as long as he wished.

The officers told him it was necessary to enforce the ordinance because men constantly blocked the walks and streets by sitting down and some even falling asleep.

"Waiting for My Car," testified Mr. Povey in his own behalf. "I was sitting on the end of the pile towards Third street. I told the policeman so and said I didn't know why I should move."

When I told them I was from Missouri, they said, 'I don't care what state you're from; I'll show you at the station what ordinance we've arrested you under.'"

Continuing Povey branched out upon the violation of the anti-spitting ordinance and accused the policemen of violating it. He asserted that if the officers were anxious to do their duty they should have arrested the man who had left the lumber in the street because he had no permit.

"That's your misfortune," replied the court.

"It is a fact," said Judge Hogue, "that in that part of the city the officers have to enforce this ordinance or else be reprimanded by the chief and captain. If they permit one man to sit on the streets they have the same privilege and the streets would be a mass of lumber."

"I believe you have brains enough to decide this case and to remind these officers," suggested Mr. Povey, with great self-assertion.

"You are found guilty," said Judge Hogue. "This defendant has some high notions about the rights of the American citizen. Had he pleaded guilty I would have been disposed to impose a very low fine, but after all this time has been consumed, the proceeding should be dignified by a larger fine. I will make it \$5."

"I Am Surprised," "Well, Judge, I am surprised, really I am," interposed Povey, unimpaired that he was approaching dangerous ground.

"I thought you broadminded enough to say, 'It's all right, Mr. Povey; these officers were too officious and ought to be reprimanded; you're discharged.'"

"I do not want to hear another word from you," said Judge Hogue, his wrath beginning to rise under the constant taunts and insinuations of the defendant.

"Sit down." Mr. Povey did not sit, however, and after he had expressed his desire to see his attorney to submit authorities to the court, Judge Hogue graciously withdrew the sentence and continued the case.

MARYSVILLE BOY HAS CHARMED LIFE

Something for his support his hand came in contact with a nail on the wood pier, which kept him from sinking until help arrived. The boy seems to have a charmed life, for yesterday a pile of crates at the cannery, enough to crush out his life, fell on him, but he escaped with but few bruises.

CHEHALIS VICTIM BURIED BY ELKS

Charles B. Farleman's Funeral Held This Afternoon—Those Injured in Railway Wreck Are Getting Better Daily.

The funeral services for Charles B. Farleman, who was killed on the Elks' excursion train at Chehalis Saturday, took place in the Elks' hall in the Marquam building at 2 o'clock this afternoon, and were largely attended by members of the order and by other friends of the deceased.

The condition of those who were injured in the accident and who were removed to Portland for treatment showed a marked improvement today.

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RIVAL CRIMPS GO TO COURT

"MYSTERIOUS BILLY" SMITH ACCUSES L. M. SULLIVAN, "PETE" AND "JACK" GRANT AND "JOE" SIMPSON OF MIDDLEBORO AND FELONY.

The "Albina bunch," it is said, verbally attacked the Grants, who were Escorting Sailors to the Dock—A Quarrel and a Display of Arms Followed—Case Heard Before Justice Reid This Afternoon.

"Mysterious Billy" Smith appeared as a complaining witness against L. M. Sullivan, "Pete" Grant, "Jack" Grant and "Joe" Simpson in Justice Reid's court at 2 o'clock this afternoon.

The courtroom was crowded with witnesses and the case was bitterly contested at every point.

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CLAIMS RIGHT TO BREAK LAW

"Others Keep Open After Hours," Says Julius Clark, "But the Police Have It in for Me."

Julius Clark, colored, who keeps a saloon at Third and Everett streets, was locked up at 1:15 o'clock this morning on a charge of using abusive language.

Clark is very indignant. He says he intends to fight the case.

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BUSY HOUSEWIVES. Pe-ru-na a Prompt and Permanent Cure for Nervousness.



MRS. LULU LARMER.

Mrs. Lulu Larmer, Stoughton, Wis., says: "For two years I suffered with nervous trouble and stomach disorders until it seemed that there was nothing to me but a bundle of nerves."

"I was very irritable, could not sleep, rest or compose myself, and was certainly unfit to take care of a household."

"I took nerve tonics and pills without benefit. When I began taking Peruna I grew steadily better, my nerves grew stronger, my rest was no longer fitful, and to-day I consider myself in perfect health and strength."

"My recovery was slow but sure, but I persevered and was rewarded by perfect health."—Mrs. Lulu Larmer.

Mrs. Anna B. Fleaharty, recent Superintendent of the W. C. T. U. headquarters at Galesburg, Ill., was for ten years one of the leading women there.

Her husband, when living, was first President of the Nebraska Wesleyan University at Lincoln, Neb.

In a letter written from 401 Sixty-seventh street, W., Chicago, Ill., she says: "I would not be without Peruna for ten times its cost."—Mrs. Anna B. Fleaharty.

"Summer Catarrh," a book written by Dr. Hartman on the subject of the nervous disturbances peculiar to summer, sent free by all address by The Peruna Medicine Co., Columbus, Ohio.

ship my two children and I cannot believe that she or her husband is guilty of any wrong doing. Grace is 21 years of age and before her marriage was a stenographer for the J. McCracken company.

"She has many friends in this city, where we have lived for the last five years, and my daughter was a candidate for queen of the Elks' carnival two years ago."

"Of her husband I know nothing. I became acquainted with him about two months before he married my daughter. His father is city marshal of Forest Grove and is one of the most prominent men in that town."

My son-in-law was born and raised in that part of the state and is about the same age of my daughter."

"A Terrible Mistake." Frank Lawrence, local representative of the Dr. Talcott Company, expressed great surprise at the news from Seattle.

"There is surely a terrible mistake," he said. "I know Mrs. Haynie and her mother and husband very intimately. I will vouch for the character of the women. Charlie, Mrs. Haynie's brother, is my stenographer, and a fine young man. From all I know of Haynie, he is a perfect gentleman, and in my dealings with him I never found anything wrong with him."

He was at one time my stenographer. I present him by my office, merely working directly with my office, merely working on commission."

Colonel J. McCracken, of the J. McCracken Company, 235 Pine street, declared that during the six months Mrs. Haynie was employed as his stenographer he saw nothing to indicate that she was a woman who could not be trusted.

"She was always quiet and did her work well," he said, "and remained with me until the time of her marriage. I know nothing of her husband."

The Haynies have rooms at the Quincey, and have been away from Portland about three weeks. They made one other trip to the sound since Haynie took the agency for the Talcott company.

URNS TURTLE ALL ARE DROWNED

(Journal Special Service.) Norwalk, Conn., Aug. 26.—A tug of this port last night discovered the three-masted schooner Newton of Bangor, Me., which had turned turtle off Bridgeport with all sails set. It is supposed she capsized in yesterday's squall. The crew is undoubtedly drowned. One body has been recovered.

HAD SALMON OUT OF SEASON.

For having salmon unlawfully in his possession, J. F. Meehan of the Portland Fish Company was fined \$50 by Justice Reid yesterday. The defendant pleaded guilty.

The complaint was issued at the instance of H. G. Van Dusen, state fish warden, who charged Meehan with having 25 Columbia river salmon in his store since August 15, when the season closed. The complaint alleged that they had been caught by means other than by hook and line.

The law provides that fines of this kind be divided into three portions—one-third goes to the attorney prosecuting the case, the state receives one-third, and if the complaining witness be not an officer he receives a third.

FATAL TRAIN WRECK.

(Journal Special Service.) Sedalia, Mo., Aug. 26.—The "Katy" passenger train struck a freight which failed to clear the main track at Rhinecliff this morning. Fred Daniels, the freight was killed, and Charles Burk, the engineer, seriously injured.

ACCUSED OF FORGERY.

A. E. Pollock, under arrest at Ontario, Ore., accused of passing a worthless check for \$50 in John Blazier's saloon in this city, a few days ago, will be brought back to Portland by Detective Snow, who left for Ontario this afternoon.

WOODARD, CLARKE & COMPANY

Rubber Finger Cots FOR HOP PICKERS 23c Doz. 23c Doz. 23c Doz. 23c Doz. 23c

BATH CABINETS

We have the largest stock of Robinson Bath Cabinets in the city. Special sale on all styles. ROBINSON STEEL FRAME—Special—\$4.19 ROBINSON WOOD FRAME—Special—\$5.97 ROBINSON STEEL DOUBLE FRAME—\$8.45 ROBINSON WOOD DOUBLE FRAME—\$9.95 "QUAKER" SINGLE WALL STEEL FRAME—\$3.50

Electric Batteries SKINS

Electro-Medical Home Batteries, for the treatment of all nervous diseases, paralysis, rheumatism, etc. The "Junior" Dry Cell Battery—\$2.50 The "Richmond," in neat tin case—\$5.00 The \$4.00 "HOME," encased in oak or rosewood boxes, complete with all electrodes, sponges, footplate, etc. Regular \$7.50, Special \$5.95 Complete line of McIntosh Batteries for Physicians.

RECEPTION IN HONOR OF BISHOP O'REILLY

Local Catholics and Visiting Clergy Will Gather Tonight to Congratulate Recently Consecrated Prelate.

In honor of the consecration of Rev. Charles J. O'Reilly as bishop of Baker City, the Catholic dignitaries who attended the ceremony yesterday and local people of that faith will hold a public reception in the A. O. U. W. hall this evening.

While entirely an informal affair the reception will be all the more imposing from the attendance of the clergy who were here for the consecration.

Judge M. G. Munly will preside and the address of the evening will be delivered by John P. Kavanaugh. In response to a general invitation extended to all, many of the Catholic residents will be present.

Bishop O'Reilly has been resting at his Vancouver home recovering from the fatigue of yesterday's ceremonies and will come to the city this evening for the reception.

SHIPPING AT THE COLUMBIA'S MOUTH

(Journal Special Service.) Astoria, Aug. 26.—The British ship Red Rock arrived yesterday from Newcastle, Australia, with a cargo of coal and reports speaking last Sunday the British ship Carmel Llewellyn from Coquemo for Vancouver, which reported all well. The steamer Columbia and the schooner Mable Gale sailed for San Francisco today. The schooner R. W. Bartlett arrived from San Francisco last night. The steamer Despatch arrived from the same port today.

A three-masted schooner and a three-masted ship are coming in over the bar. Their names are unknown.

LITTLE GIRL HAS MARVELOUS ESCAPE

(Journal Special Service.) San Francisco, Aug. 26.—Five-year-old Dagmar Hendrickson, while playing near the Santa Fe tracks at Berkeley last evening, noticing several loose electric wires on the ground, picked one up just as a train a block away jarred a rotten pole, which, falling across the telegraph lines, drew up the loose wires, suspending the little girl in midair 20 feet above the ground.

Witnesses hurriedly brought a padded blanket and held it under the child, bidding her to drop, which she did with safety. Through the mere chance the circuit was off the wire, otherwise the child would have been killed.

POWDER EXPLOSION KILLS FOUR MEN

(Journal Special Service.) Carthage, Mo., Aug. 26.—An explosion occurred in the Carthage powder works, four miles out of the city, this morning. The dead are: Lee Harry, Ernest Pearson, John Hayworth and Supt. Orel. The number of injured is 23 persons. Of the 30 employees only three remained unhurt. The windows are broken in this city. The explosion is believed to have been caused by the overheating of acids. None of those injured are seriously so, except Lafe Bennett and James Simpson, who are in a critical condition.

PARKS GETS TERM IN STATE'S PRISON

(Journal Special Service.) New York, Aug. 26.—Samuel Parks, the walking delegate of the House-smiths and Bridgemen's union, who was convicted last week of extortion, of the 30 employees only three remained unhurt. The windows are broken in this city. The explosion is believed to have been caused by the overheating of acids. None of those injured are seriously so, except Lafe Bennett and James Simpson, who are in a critical condition.

BOY ADMITS \$3 THEFT.

Henry Burton, a lad of 16, pleaded guilty in the police court to stealing \$3 worth of old scrap iron from a flat car at the foot of Jefferson street. As the court could not decide whether to send the lad to jail, the reform school or the Boys and Girls Home, the case was continued. Sam Layvine, arrested with Burton, was sent to jail for three months yesterday. The boys said they did it because they wanted spending money.

WHO KNOWS R. M. HOSELEY?

The police department has received a letter of inquiry from a woman at Hartford, Conn., asking for particulars regarding the death of Edward M. Hoseley. She says that Eastern papers report that Hoseley was recently killed either in Portland or Seattle. The mortuary records contain

CASTORIA For Infants and Children. The Kind You Have Always Bought

Bears the Signature of J. C. Watson

ARMY AND NAVY ABOUT THE BOARD

(Continued from Page One.) With her coal capacity she can make a continuous run of 4,000 miles. The Marbled carries coal sufficient for a run of 2,800. A knot is 6,086 feet, and a statute or land mile 5,280 feet. The nautical mile being about one-seventh longer.

THUGS IN HIGH LIFE.

(Continued from Page One.) was taken quietly to the police station, although indignantly proclaiming his innocence. His wife was placed under arrest at the same time. At the lodging house where Haynie and his wife were living under the name of Anderson, a slungshot, with which it is alleged the detective was struck, was found.

THUGS IN HIGH LIFE.

(Continued from Page One.) The Seattle police believe that the man and woman are responsible for many of the hold crimes committed during the past two or three months in Seattle, Tacoma, Portland and many other Oregon and Washington towns and cities.

THUGS IN HIGH LIFE.

(Continued from Page One.) A Precious Pair. It is charged that the man and woman are responsible for the holding up and robbing of two pedestrians, and the holding up of a drug store, where they relieved the proprietor of the day's receipts of the store and such other valuables that he and his wife happened to have about their persons at the time.