

### CATTLE CASE BEING HEARD IN U. S. COURT

#### Important Questions to Stockmen Are Argued Before Judge Wolverton.

Terminal companies and connecting railway and steamship lines within the jurisdiction of the United States may be affected by the decision in the case of the United States against the Northern Pacific Terminal company, which is being heard today before a jury in Federal Judge C. E. Wolverton's department of the United States district court.

Indictments in the case charge the terminal company with violation of the 24 hour cattle law, but the important question in the case is whether or not a corporation is liable for receiving cattle shipments from a connecting line, after such shipment has been held in violation of the law.

Stringency of the law will be definitely settled in decision of the case, which will undoubtedly be taken to the United States supreme court.

On September 13 the Spokane, Portland & Seattle road was fined \$250 in United States district court for holding a shipment of cattle from Plymouth, Wash., in cars for a period of more than 24 hours, in violation of the federal law. Evidence in the hearing showed that the cattle had been turned over to the Northern Pacific Terminal company in Portland, for delivery to the stockyards.

John McCourt, United States district attorney, is endeavoring to show that the terminal company is subject to a fine for accepting the shipment, and for further keeping the cattle in the cars after they had been held by the North Pacific road for more than 24 hours, committed an equally criminal act.

### EUGENE MUST ALLOW STATE TO REGULATE

Federal Judge C. E. Wolverton yesterday gave Charles F. Kuthe, no confined in the Lane county jail charged with the violation of the local option law, his freedom and in doing so handed down an opinion drawing the line between the powers of city councils and state courts in the enforcement of the option law of 1904. The charter granted the city of Eugene by the legislature gives the city council control of liquor licenses. After the passage of the local option law Lane county voted itself dry.

The city of Eugene was later granted a new charter and passed an ordinance prohibiting the sale of "nonintoxicating" liquors. Kuthe was later arrested for selling "malt beer." Judge Wolverton ruled that the powers of the city council to regulate liquor traffic were annulled by the vote of the people of Lane county, and that Kuthe, being arrested for violation of a city ordinance, which was not effective, should be freed.

Walsh Fined for Contempt.

M. J. Walsh, a well known dealer in electrical supplies, was fined \$25 for contempt of court by Federal Judge Wolverton this morning. Walsh had been called as a juror and told the court he reached his office late and decided it was no use to appear in the courtroom. He paid his fine.

### COURT RULES AGAINST MECHANIC'S LIEN

#### According to Judge Bronaugh It Cannot Attach to Property.

Following the precedent set by Judge Gatens in another case, Presiding Judge Bronaugh this morning held that a mechanic's lien will not attach to property claimed and occupied as a homestead under the laws of Oregon. Judge Gatens' decision on this question excited much discussion, as it was contrary to the ideas of many attorneys, and Judge Bronaugh, in passing on the question this morning, said he had shared a contrary opinion before he made a close examination of the authorities.

"I am convinced that my previous idea about the matter was erroneous," said Judge Bronaugh. "Under the homestead law of this state foreclosure cannot be taken against property under a mechanic's lien. It is specifically exempt."

The point was raised on a demurrer to a plea in abatement in the case of C. Green against Susan Herbers and others. The previous case in which a like decision was given by Judge Gatens was Beard against Landis.

### SCHWARTZ SAYS HE'S UNLAWFULLY HELD

G. S. Schwartz, arrested several days ago by Deputy Sheriff Sweeney and held in the county jail on complaint of J. S. Sneve, who is suing him for \$2965 and who alleges that Schwartz was about to leave the state, has sued out a writ of habeas corpus in the circuit court and Judge Bronaugh will hear the matter tomorrow.

Schwartz alleges that his situation is virtually an imprisonment for debt, in violation of the constitution. Nothing but a civil suit has been filed against him, and he claims that he should be released.

Schwartz and Sneve had their dealings in Marion county, and Schwartz left Silverton about 2 o'clock on the afternoon of December 18, leaving instructions for his baggage to be sent to Portland after him. Sneve says that Schwartz drove from Silverton to Chemawa and took the Oregon Electric from that point to Portland, although a train left Silverton for Portland about the time he left.

Another application for release on habeas corpus in the case of H. R. Miles was postponed by Judge Bronaugh until this afternoon because the district attorney had not prepared an answer to the writ, which was issued last Saturday. Miles is held as a witness in a criminal case in which no indictment has been returned by the grand jury and Justice of the Peace Olson is alleged to have exceeded his authority in holding him under bond. As he was unable to furnish the bond required, Miles is in jail.

### Woman Makes Complaint.

Arthur Anson, teamster, was arrested last evening by Constable Wagner upon complaint of Esther Anderson. The charge is one of statutory rape, and he is held in the county jail upon failure to give bail of \$10,000.

### RED CROSS STAMPS

#### Workers in Big Campaign Success Ahead as End Approaches.

Right merrily the sale of Red Cross stamps goes on. Like the generalists in any great campaign, the workers are serving themselves for one last and decisive stand. Slowly but surely they are gathering in the funds, and they earnestly hope that, through a combination of the energetic and faithful work on the part of the women selling stamps in the booths, and the hearty cooperation of the buying public, they will have captured the last dollars of the desired \$10,000 by the dawn of Christmas morning, and that they can then spike their guns and enjoy Christmas with the knowledge of a great work performed.

The sales in the booths yesterday aggregated \$300, and the postoffice booth, in charge of the Oregon State Graduate Nurse association, took the banner for big sales, 5000 stamps being the number sold. Another large order was received from Pendleton yesterday. Following is the list of both workers for Wednesday:

Hotel Portland—Miss Mai Hirsch, Miss Mildred Meyer.

Hotel Imperial—Mrs. Arthur Chance, Mrs. J. Elliott King.

Woodard & Clarke—Miss Florence Hilton, Miss Rosemary Baldwin, Miss Dorothy Josselyn.

Charlton's 5c and 10c Store—Mrs. F. Knetner and assistants.

J. E. Gill Co.—Mrs. Charles Berg, Mrs. Betty Friedman and assistants.

Hotel Perkins—Miss Amelia May and assistant.

Meier & Frank's—Miss Carolyn Burna, Miss Frances Wilson, Mrs. George Wentworth, Miss Lella Shelby.

Postoffice—Miss Katherine Scott, Miss Cochran.

Tull & Gibbs—Mrs. H. Hausmann, Mrs. G. F. Sanborn.

Chamber of Commerce—Miss Mabel Burke, Mrs. Dan J. Malarky.

Olds, Wortman & King—Mrs. Elliott, Mrs. H. Thanhauser.

Wells Fargo—Miss Helen Smith, Mrs. David Shindler.

Hotel Oregon—Mrs. Sterling Foster, Mrs. H. M. Carlock, Mrs. H. Noble, Miss Marjorie Noble, Miss Delta Watson, Miss G. Rutherford.

Kennard & Adams—Under auspices of Tuesday afternoon club.

Lipman & Wolfe—Miss Helen Simon and assistant.

### FOUR STORY HOTEL ON FOURTH AND ALDER

Plans for a modern four story hotel to be erected at Fourth and Alder streets by W. L. Morgan were filed in the city building inspector's office yesterday. The new hostelry will be 100x100 and will be of the finest steel fireproof construction. The estimated cost of the structure is \$30,000.

Mr. Morgan is the architect for the Cecilia Building company, which yesterday filed plans for a four story apartment house to be erected at 22 and Glick streets. This edifice will be of brick. It is to be 50x100 feet.

### AWARD PRIZES IN BIG FANCY POULTRY SHOW

#### Fifty High Grade Cats Will Join Exhibition Beginning Thursday.

Oregon's kings and queens, princes and princesses are holding court down town in a most entertaining sight.

Officially the occasion is known as the first annual exhibition of the Oregon Poultry and Pet association, but really it is a gathering of the best that can be found in the poultry line.

Stuffed along the walls are cages are chickens that are best for eggs, those best for eating, those best for both eggs and table use, and up along one wall is a long row of open eyed prizefighters, waiting for a scrap. To the poultry fancier it is a most entertaining sight.

Beginning Thursday an exhibition of cats will also be put on, and it is expected that there will be more than 50 high grade entries in this part of the exhibition. One of the cats, said to be the best tortoiseshell seen in America, was purchased for \$50 by its owner, who will exhibit him.

Others in the prospective entry list have taken prizes in various shows throughout the east before being brought to Portland.

The exhibition will be kept open each evening during the week, closing Saturday morning.

The judges are now hard at work on making the poultry awards, and will have completed their work by tomorrow night. The awards so far made are as follows:

Buff Orpingtons—Cooks, Windle Brothers, first; F. Fenwick, second; C. W. McLean, third; O. A. Hatton, fourth; E. P. Keeney, fifth. Cockerels, Windle Brothers, first, second, third and fourth; F. Fenwick, fifth. Hens, Windle Brothers, first, second, third and fourth; Mrs. S. C. Bowles, fifth. Pullets, Windle Brothers, first, second, third and fourth; C. W. McLean, fourth.

Golden Wyandottes—Cockerels, H. A. Simmonds, second; Hens, H. A. Simmonds, second and third; Pullets, H. A. Simmonds, second and third.

Silver Laced Wyandottes—Cooks, C. Minzer, second; I. E. Staples, third and fourth. Cockerels, C. Minzer, second, third and fourth.

Partridge Wyandottes—Cooks, S. C. Smith, first; Cockerels, S. E. Smith, first and second. Hens, S. E. Smith, first, second and third. Pullets, S. E. Smith, second and third.

Columbia Wyandottes—Cockerels, W. D. Kelley, first and third; S. S. West, second, third, fourth and fifth.

White Wyandottes—Cooks, W. D. Kelley, first, second and fourth; George Reed, third; D. N. Nash, fifth. Cockerels, W. D. Kelley, first; B. Lee Paget & Son, second and fifth; George Reed, third; J. A. Griffin, fourth. Hens, B. Lee Paget & Son, first, third and fifth; W. D. Kelley, second and fourth; W. D. Kelley, third. Pullets, B. Lee Paget & Son, first, second and fourth; W. D. Kelley, third; George Reed, fifth.

### WIFE SAYS HUSBAND LIKED DOGS BETTER

Circuit Judge Cleland this morning heard the testimony in the divorce suit of Anna Dimick against Harry Dimick, each charging the other with the use of unlovable language and a select assortment of violent conduct. Judge Cleland took the case under advisement.

Mrs. Dimick said her husband told some other people that he liked a dog better than her, that he choked and beat her and called her jarring names. She asks for \$40 per month alimony and the custody of their two children.

Dimick alleged that his wife drank too freely, and said he was compelled to call his brother in to quiet her several times. Once she locked him out of the house, he complained. He also said that she was lazy and a poor housekeeper. He would also like to care for the children.

### COURT SAYS FIRST DECREE MUST STAND

Advice given him by the wives of his neighbors as to his legal rights in a divorce case did not avail William Twist in the circuit court this morning, when Presiding Judge Bronaugh decided that the default entered against him should not be set aside and that the court would not disturb the decree of divorce heretofore awarded to Mrs. Frances M. Twist.

From the affidavits submitted by Twist's attorney it appeared that he had not answered his wife's complaint because his neighbors advised him that she did not have a good cause of suit against him. It was also shown that he had also consulted an attorney, who advised him to have an answer prepared if he desired to resist his wife's suit. But he took the advice of the women instead of the lawyer's, default was entered against him, and his wife secured a decree.

"The policy of the law is against divorces," said Judge Bronaugh, "and if I believed that the cause alleged by I would allow the motion to set aside the default. But in this case it does not appear to me that any good cause exists, and the motion will be denied."

### GEVURTZ APARTMENTS NEARING COMPLETION

Excellent progress is being made in the construction of the two quarter block apartment houses, which are being erected for I. Gevurtz & Sons on the East Side. The exterior walls of the building at East Ninth and East Burnside have been completed, and a large force of workmen will begin next week finishing the interior. The building will be completed and ready for occupancy by March 1.

At East Eighth and East Morrison, the foundation has been put in for an apartment house somewhat similar in design and construction to the one nearing completion on East Burnside street. Both structures and being built for I. Gevurtz & Sons, who have taken them on a long time lease.

### Corra Irish Arrested.

Corra Irish, who recently figured in a sensational divorce case, and J. W. Hewes were arrested last evening by Constable Lou Wagner upon a state charge of illegal cohabitation. They were placed in the county jail and are held under bail of \$100.

### TODAY IS DAY WHEN NIGHT COMES EARLY

The winter solstice begins today, and this is supposed to be the shortest day of the year, the sun being at the point in the ecliptic farthest from the equator. The sun rose this morning at 7:56 o'clock and will set at 4:28 o'clock this afternoon, making a day of 8 hours and 28 minutes, or a little over one third of a day of 24 hours. Tomorrow the sun will rise one minute later than it did this morning, and will set one minute later than it did tonight, according to figures of the local weather office, which give a day of the same length as today.

There will be no appreciable lengthening of the days before the end of this month, as the change from day to day will be so small that it will hardly be noticeable. For several days, the hours which the sun is up will be about the same.

The weather forecast for tonight is somewhat fair, and there will probably be no change in the weather.

### TO EXTEND BROADWAY CAR LINE TO 24TH ST.

#### New Service Will Greatly Help to Build Up Alameda Park District.

The Broadway streetcar line will be extended to Twenty-fourth street without delay and residents in the Alameda Park district will be given a much wanted service. This announcement was made by President E. S. Josselyn of the Portland Railway, Light & Power company this morning. The extension is in the district affected by the injunction now before the court intended to make inoperative the streetcar company's franchise as to certain streets.

"The extension will be made in advance of a decision from the supreme court on our rights to the franchise," said Mr. Josselyn. "The Alameda Land company having offered to pay for the laying of the track and pavement and guaranteeing the expense of tearing it up in case the decision of the supreme court should be adverse to the company. The traffic demands the building of the extension, but in face of the litigation the company could not see its way clear to go to the expense before final settlement of the points at issue."

The extension will be made from the present end of the Broadway line on Twenty-second, from Knott to Fremont, thence east on Fremont to Twenty-fourth, and will add materially in the upbuilding of Alameda Park, which heretofore has been retarded, because of the distance to the nearest car service.

### NATIONAL GUARD IS GIVEN MEDICAL STAFF

#### Regular Physicians Will Be Selected for Service in Troublous Times.

In conformity with the resolution adopted by the general staff of the Oregon national guard at its last meeting, providing for the creation of a medical reserve corps, Adjutant General W. E. Finser has issued a general order setting forth the manner of selecting and appointing the staff of surgeons which will compose the reserve corps.

As provided in the resolution of the general staff the reserve corps of medical officers will consist of 12 surgeons, who shall be graduates of reputable medical schools and who shall be named by the governor upon the advice and recommendation of the general staff. Before receiving their commissions they shall pass an examination to be prescribed by the adjutant general and when commissioned, shall take rank as first lieutenants.

The resolution of the general staff providing for the organization of the reserve medical corps empowers the adjutant general to order officers of the corps to active duty in the service of the state whenever an emergency makes it necessary to increase the regular medical corps.

Members of the corps will be appointed at stations where one or more companies of the Oregon national guard are located. They will be required to examine applicants for enlistment in the national guard and perform such duties as pertain to the office of examining physicians for the state militia without cost to the state.

Adjutant General Finser said this morning that his office would immediately set the necessary machinery in motion for carrying out the order of the general staff creating a reserve medical corps.

At least one member of the reserve corps will be located in every place having a company of guardsmen, except Portland, where several members will be located.

### TO DISCUSS PAVING OF KILLINGSWORTH

An important meeting of the Killingsworth Avenue Push club will be held at Carroll's store, East Sixteenth street and Killingsworth, at 8 o'clock tonight. The purpose of the meeting is to decide on the kind of pavement to be put down on the avenue, which is to be paved from Union avenue east to East Forty-seventh street. Representatives of all the paving companies in the city will be on hand to set forth the merits of the various paving materials. It is not expected that any opposition to the proposed improvement will develop at the meeting, as every property owner in the entire district, it is said, has expressed himself as favoring the hard surfacing of the avenue.

### PART OF MORRISON STREET TO BE PAVED

#### Although Bids Are Not Opened, Contractor Says Will Start Work Immediately.

Although bids for the improvement of Morrison street, from Front to Third, will not be opened by the city executive board until next Tuesday, December 23, Manager Oskar Huber of the Barber Asphalt company, told Mayor Simon yesterday evening that his firm would start the work of improving the street immediately, taking a chance that the contract will be awarded to it.

"The street is certainly in a bad condition," said Mayor Simon this morning, "and it is accommodating of Mr. Huber to hasten the work by getting the preliminaries started. There is not much chance, however, that any other company will complicate matters by bidding on this particular paving job. The various companies have the city pretty well parceled out and Mr. Huber knows that this portion lies in his territory."

At next Tuesday's session of the board a contract will also be awarded for the redressing of Washington street with asphalt, from Third to Sixteenth streets. Portions of this street are very dilapidated and as the maintenance contract has long since run out the city has been under great expense to keep the surface patched. The resurfacing of Washington street has long been a crying need and City Engineer Morris prompt action is getting out plans for the improvement and proceedings started by the city council to that end will be appreciated by the business interests of the city.

## A Dainty Package of Exquisite Perfume For Her



From our Toilet Article Section you may select a dainty bottle of some favorite odor, either European or American make—we carry the best brands of all countries—and in presenting it to some friend you may be assured that no apology need accompany your gift. Every bottle guaranteed. In this section may also be found many other beautiful gifts.

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All "500" and Bridge Sets on sale at ONE-THIRD OFF.

Fine Poker Sets \$5 to \$18.  
Brass Desk Sets \$5 to \$22.  
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## Our Art Section

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The best place in the West to buy your Christmas gifts. A space 50 feet wide and 100 feet long and entirely filled with pictures ranging in price from 10c to \$500. A description of the pictures on this floor is impossible. You have to see them to understand. A new lot of Antique French Mirrors—perfect beauties they are—just received. Pictures framed as you want them.

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Toilet Sets	Leather Bags	Candlesticks
Coral Rings	5-Piece Tea Sets	Silver Card Cases
Military Brushes	3-Piece Coffee Sets	Mayonnaise Sets
Special Tea Sets	Cologne Bottles	Sandwich Trays
Match Boxes	Handsome Bead Bags	Cut Glass Bowls
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