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PASTOR IS WITNESS

Delegate to Baptist Convention Called in Divorce Suit.

MRS. CASE WANTS DECREE

Contests Husband's Proceedings and Tells Straightforward Story. Minister Vouches for Brother-In-Law—Other Divorces.

Although accustomed only to marry couples, Rev. M. J. Toomey, pastor of the First Baptist Church of Portland, Me., and a delegate to the Northern Baptist convention, was called upon yesterday afternoon to assist in the divorce proceedings of G. Lewis Case against Florence Case. Mrs. Case, who has been teaching school in Clark County, Washington, asks Circuit Court Judge to give her the divorce, and the custody of the couple's children as well. Then she intends to go to Portland, Me., where her sister and brother-in-law are living. Rev. Mr. Toomey was called upon yesterday to tell of the circumstances and reputation of Elsie M. Tibbets, the Maine brother-in-law, who lives at 116 Franklin street in the Eastern city. Tibbets, he said, is clerk in a grocery store. "He is a communicant at my church," said Mr. Toomey, "and I can vouch for him."

Husband Is Plaintiff.

Case, the plaintiff in the divorce proceedings, is employed by the Meier & Frank Company, and is said to earn \$100 a month. His schoolteacher wife, whose pretty brown eyes won his heart while he was living in New Brunswick, Canada, was formerly Miss Florence Mahood. She told the court a straightforward story of the causes leading up to their separation. She said that she left him last September at his request, taking the child with her. She was later taken ill of typhoid fever, she said, and was obliged to leave the child with Mrs. Sadie Mayer. She said that when she was at home her husband was harsh and insulting to her because she lost her hair while sick and insisted that she go to her relatives in Eastern Canada. She said also that he had been corresponding with former sweethearts, one of whom is named Edith. "I tried to get him to treat me as a husband should, for the sake of the child," she said yesterday, "but it was of no use." She asks \$15 a month alimony.

Case first filed the divorce suit in Sherman County, the publication of summons being made in a county paper. He swore that he did not know of his wife's address. But she learned of the suit and had the case transferred to Multnomah County. Case said his wife refused for weeks at a time to speak to him, and said she deserted him. They were married June 21, 1907. Attorneys A. E. Clark and A. Hansen appear for Case, while his wife is represented by Attorneys H. H. and H. E. Northrup.

Steamboat Engineer Wins.

Supplemental proceedings in the divorce suit of Mrs. Florence Case against Frederick P. Smith, an engineer on the steamer Dalles City, were decided by Circuit Judge Gatens yesterday afternoon in favor of Smith. Mrs. Smith was given \$10 a month alimony when she secured her divorce, and brought the supplemental suit for \$54, which she said her ex-husband owed. John F.

Logan, attorney for Smith, contended that the latter's wages were exempt from garnishment for alimony. Johnson & Beckwith, attorneys for Mrs. Smith, contended that notwithstanding Smith now has a new wife, Cora Smith, the first one should have the right to the monthly alimony.

Calls Husband Drunkard.

Martha Sylvester Weimann objects to a habit which she says Fred Weimann has of coming home drunk. So she has filed a divorce suit in the Circuit Court, asking \$250 suit money, \$150 attorney's fees, and \$50 a month alimony. She says her husband earns between \$14 and \$25 a day. She married him August 6, 1905, she says. She accuses him of having beaten her recently, after which she says he threw her to the floor and threatened to kill her.

C. E. Pond wants a divorce from W. L. Pond, the charge being desertion. They were married in California, June 6, 1907, and have no children.

MOVE AGAINST ANNEXATION

Injunction Is Filed to Keep Mount Scott District Out of City.

An effort is being made to prevent the Mount Scott district, voted into the city at the last election, from being made a part of the municipality. W. A. Scholten filed suit in the Circuit Court through Attorney J. A. Jeffrey late yesterday afternoon against the city, City Auditor Barbur and ex-Mayor Lane. An injunction is asked for restraining the Mayor and the City Council from declaring the Mount Scott district a part of the city. It is alleged that the election was irregular.

NEWCOMERS ARE MARRIED

Official of Commercial Club Makes Arrangements for Wedding.

Helping newcomers get married is all in the day's work with W. L. Crissey, of the Portland Commercial Club. He was requisitioned yesterday to be best man at the wedding of two new residents of Oregon, W. E. Carmony, from Portland, Ind., and Miss Evelyn Westrup, from Montrose, Colo. Mr. Carmony, who is not acquainted in this city, had some correspondence with Manager Richardson, of the Commercial Club, before coming. Mr. Crissey wrote him a number of letters and Mr. Carmony naturally turned to him for aid when his fiancée reached Portland yesterday from Colorado.

The ceremony was performed by Dr. William Hiram Foulkes, pastor of the First Presbyterian Church, at his residence. The bride was attended by Mrs. Laura Denning, also of Montrose, Colo., a sister, who accompanied her to the coast. Mr. Crissey was best man. Dr. Rust, of Rochester, N. Y., assisted in the service.

The bridegroom has decided to locate in Oregon permanently and the couple left the city last night for Salem, where they expect to start their wedded life on a farm near the capital city.

In Texas alone prairie dogs annually eat enough grass to feed 1,562,500 cows, according to the Federal Forestry Service.

PAVING SUIT IS FILED

Order Is Sought to Stop Work by Hassam Company.

QUESTION OF LOWER BIDS

Ralph R. Duniway Contends City Had No Right to Ignore Offer of J. W. Sweeney to Do Same Work for Less Money.

The wrangle between the Executive Board and other city officials and local paving contractors over the right of the city to let contracts to high bidders when

lower bids are offered in regular form, is to be settled before a jury in the Circuit Court. Ralph R. Duniway, a local attorney brought suit as a citizen yesterday afternoon against the Executive Board, City Auditor Barbur and Mayor Lane to have them restrained from permitting the Oregon Hassam Paving Company to go ahead with the improvement of Multnomah street from Grand avenue to East Thirty-first street.

Mr. Duniway alleges that J. W. Sweeney filed a bid to do the same work for \$37,000, for which the Hassam corporation is charging \$40,000. He says that Sweeney put up his check for \$4000 in regular order, and that the bid should have been awarded to him instead of to the Hassam people.

Mayor Lane said last night that he had not yet read the complaint, but that there was no other way for the Executive Board to do but to let the contract to the Hassam people, "as they have a patent on this particular pavement, and the city could not afford to become involved in a lawsuit over patent rights." City Attorney Kavanaugh had not read the complaint.

"The complaint involved a very important question," said Mr. Duniway last night. "If the Executive Board is to be permitted to let contracts to high bidders at pleasure it will lead to favoritism.

The letting of bids should be an impersonal matter. The Executive Board has treated this bidding proposition as a sort of joke. That is the only explanation I can give of its action in regard to the streets for which Sweeney has placed his bid. There are three or four other streets involved in this same matter, although they are not mentioned in the complaint. Besides the bids which Sweeney has put in there are some submitted by the Mason Construction Company.

"The Hassam company evidently has the Executive Board buffaloed into believing that it has a patent on this pavement to be laid in Multnomah street. It has nothing of the kind, so far as I can find out. The specifications do not call for Hassam pavement. They only call for rock and gravel, and any one who has these materials, the men and a steam roller, can lay it. I understand the company said it would not give Sweeney a license to lay its patented pavement, and that, therefore, he could not lay it. The company has no right to bid for municipal work by using a patented article, and refusing to give any other person a license to use it.

"There is about as much merit in the company's contention as there would be if the St. Helena quarry people should put in a bid for street work, and contend that they had the monopoly on gravel which they would not furnish for less than \$1.75 a load, while they offered to do the work for less. If the Hassam com-

pany's contention that Sweeney has no right to lay the pavement is meritorious, Sweeney should be punished for bidding on a job he cannot do. But if he is the lowest responsible bidder he should be given the contract."

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