



PATENT OFFICIAL IS CASHIER WITNESS

Claims Premature, Says Mr. Sewall.

RIGHTS NOT ESTABLISHED

Applications Not Made When Claims Were Made.

ONLY ONE IS OWNED NOW

When Company Heralded Claim That It Owned One Device and Held Patents to Five It Had Not Yet Applied for Patents.

E. D. Sewall, of Washington, D. C., supervisor in charge of the classification bureau of the United States Patent Office, was a star witness for the Government in the United States Cashier Company trial yesterday.

He testified that when the company, October 29, 1911, advertised in regard to five of its coin-changing devices that it not only controlled one of them, "but owns and controls patents to all of them," patents had not even been applied for.

These five machines were the bank cashier, lightning change maker, adding machine, change computer and currency paying machine, and computing change machine.

The company does not yet own patents on the adding machine, change computer and currency paying machine, and change computing machine, he testified further. He said a patent for the lightning change maker was issued on July 6, 1915.

This was the day the present trial began.

"Now let's take up each machine separately so as to make it perfectly clear," said United States Attorney Reames. "From your examination of the records of the patent office, does the United States Cashier Company own a patent to any adding machine?"

"No," said Mr. Sewall, "it does not."

"On October 29, 1911, did the United States Cashier Company have an application on file in the patent office for an adding machine?"

"No, sir."

"Take the lightning change maker," went on Mr. Reames. "On October 29, 1911, did the United States Cashier Company have an application on file for this machine?"

"No, sir."

"Has the patent issued now?"

Mr. Sewall turned the leaves of a record book he had brought with him from Washington.

"The records show that a patent was issued on July 6, 1915."

"But on October 29, 1911, when this advertisement was published saying the company 'owns and controls patents' to all its machines, an application was not on file?"

"No, sir."

"Well, take the change computing and currency paying machine. Was an application on file October 29, 1911?"

"No, sir."

"Has the company got a patent on this machine?" he asked.

"As shown by the patent office records," answered Mr. Sewall, after pawing through his record book again, "it does not own a patent to this machine."

"Did the United States Cashier Company have an application for a patent on file on October 29, 1911?"

"No, sir."

Mr. Reames said that the next part of the testimony he expected to introduce through Mr. Sewall would probably take three-quarters of an hour even to get started on, and that he preferred to begin afresh in the morning. As it was nearly 5 o'clock, Judge Bean adjourned court.

Witness Relates Patent Service.
Mr. Reames had previously brought out that the witness, Mr. Sewall, has been in the United States Patent Office for 15 years, 9 1/2 years as assistant examiner, nine years following as principal examiner, and more than six years as supervisor of the bureau of classification.

The witness also testified that he had taken a course in law at Georgetown University, and later a course in patent law at Columbia University. He explained, in response to questions by Mr. Reames, that he was the author of a work on patent law.

"You have examined the records of the United States Patent Office for patents issued and applications for patents made by the United States Cashier Company?"

"Yes, sir."

TRIP TO AVOID DEATH IS FATAL

TOURIST WHO FEARED STEAMER VOYAGE IS KILLED.

Otto Shirmer, Rather Than Ride in Gasoline-Laden Craft, Comes to Oregon, Is Shot Accidentally.

EUGENE, Or., July 28.—(Special.)—Fearing death on a South American bound steamer loaded with gasoline, Otto Shirmer, who was accidentally shot near Grants Pass Monday night, gave up his Venezuela trip at the last moment before sailing and came to Oregon for his summer outing. He was killed on the first day in the woods as he leaned over to drink from a brook. His own revolver was discharged. The story of his fear and of his 11th-hour change in plans was told by his sister, Mrs. Augusta Higbert, of Indianapolis, who is visiting in Eugene, and who with other relatives here arranged today for his funeral here tomorrow. He was an uncle of Mrs. J. M. Devers and Mrs. J. M. Barnaby in Eugene. Mr. Devers left yesterday to bring the body here.

For many years Mr. Shirmer was a traveling salesman on the Pacific Coast. Several weeks ago he and four companions left for New York on their way to South America. On their arrival in New York they discovered that the boat was loaded with gasoline, and turned back. A member of the party was August Riddel, owner of a mine in Southern Oregon, who suggested they spend the summer there. They gathered an outfit in Eugene last week.

ALBANY GETS FIRST WHEAT

Yield in Vicinity Is Running From 20 to 30 Bushels.

ALBANY, Or., July 28.—(Special.)—The first 1915 wheat received in Albany was delivered at the Red Crown mill, of the Portland Flouring Mills Company, here today. It came from the farm of Edward Holloway, about four miles southeast of Albany. It tested 32 pounds to the bushel and was of splendid quality. Threshing began in this county Monday, but rain interfered today.

Wheat thus far threshed is running from 25 to 30 bushels to the acre.

LIQUOR SHIPMENTS BARRED

Railroads to Refuse All Alcoholic Beverages for Arizona.

SAN FRANCISCO, July 28.—All beverages containing alcohol, no matter in what proportion, will be refused for shipment into Arizona by all railroads entering the state, it was announced today by the Southern Pacific Company.

This decision, it was said, was reached after a conference between Wiley Jones, Attorney-General of Arizona, and representatives of the railroads.

MOB ASSASSINATES HAITIEN PRESIDENT

Ruler Snatched From French Legation.

AMERICAN MARINES LANDED

Force Will Remain Until Permanent Order Returns.

PORT STILL IN DISORDER

Outbreak Is Led by Relatives of 160 Political Prisoners Massacred in Jail—Body Discovered by Populace.

WASHINGTON, July 28.—Following the assassination of President Guillaume, of Haiti, by a mob at Port-au-Prince today, American marines were landed at Port-au-Prince to protect lives and property of Americans and other foreigners.

The mob broke into the French Legation, in which the Haitian President had taken refuge, and shot him to death. They then dragged his body through the streets at the end of a rope, finally dismembering it.

Relatives of Victims in Mob.
The mob was led by relatives of the 160 political prisoners who were executed yesterday.

Rear-Admiral Caperton advised the Navy Department late tonight that he had sent a force ashore from the cruiser Washington. Rear-Admiral Benson, acting Secretary of the Navy, declined to make the message public, but said: "Admiral Caperton now has the situation in hand."

Marines to Stay Indefinitely.
With this order, the first step by the United States to re-establish peace in the Haitian republic was taken. While officials would not indicate the nature of their plans, the general belief tonight was that the marines would not be withdrawn until some definite arrangement was made which would give promise of permanent peace throughout the republic.

Admiral Caperton has 400 marines and bluejackets on board the Washington, which arrived at Port-au-Prince today, and the collier Jason, with another 100 marines, is due there tomorrow. Additional forces are available.

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GERMAN GRATITUDE SHOWN

American Red Cross Thanked for Gifts of Motor Ambulances.

WASHINGTON, July 28.—The gratitude of the German Red Cross for hospital supplies and four motor ambulances, sent by the American Red Cross, is expressed in a letter received at Red Cross headquarters today announcing the arrival of the shipment in Germany.

"We rejoice greatly over the generosity of the American Red Cross," the letter said, "which has been so manifest through their gifts. We are particularly pleased to know that the students of Yale and Harvard universities, who represent the highest intelligence, are responsible for the gift of four ambulances."

(Concluded on Page 3, Column 2.)

GERMANY ASKED TO PAY FOR LEELANAW

Failure to Jettison Cargo Set Forth.

PRUSSIAN TREATY IS CITED

Captain Says Submarine Commander Was Courteous.

SHIP'S PAPERS RETAINED

This Issue Not Disputed, but Single Attempt to Escape, Not Persisted In, Is Held Not to Justify Destroying Vessel.

WASHINGTON, July 28.—With the receipt late today of practically a complete report of the torpedoing of the American steamer Leelanaw by a German submarine, State Department officials began the preparation of a note to Germany requesting the payment of damages on the ground that the Prussian-American treaty of 1823 had been violated.

A report from American Consul Denison at Dundee, Scotland, brought to light the fact that the captain of the Leelanaw attempted to escape, but submitted to visit and search after warning shots were fired.

Right to Escape Maintained.
The right to escape, officials declared, is conceded by international law, only repeated attempts to evade capture or forcible resistance being regarded as affecting the case.

Unofficial reports that the German submarine commander was unwilling to jettison the cargo of the Leelanaw and to allow her to proceed, as the treaty of 1823 provides, cleared up doubts here on this point. The material necessity for the presentation of a claim similar to that made in the case of the William P. Frye was therefore practically ready for presentation tonight.

Consul Cables Report.
The complete report of Consul Denison, dated today, was as follows:

"Leelanaw's crew here; all safe. Sail Saturday on St. Paul. Master under oath says sighted German submarine July 25 40 miles north of Orkney. Endeavored to escape. Fired on at distance of two miles, shot falling short. Hope to stop."

"Submarine signaled for ship," papers, which were sent. After examination of the papers, it was found that the ship was carrying a cargo of coal and other supplies, and that the crew was all safe."

(Concluded on Page 3, Column 2.)

Wednesday's War Moves

ALTHOUGH the Germans are using strong reinforcements of men and guns, they have not yet succeeded in breaking the Russian resistance either around Warsaw or in Kovno and Courland provinces, in each of which sectors heavy fighting has been in progress for nearly a fortnight.

Except for the capture of the village of Gowerowo, on the Narew front, and a number of prisoners and machine guns at that point and between Mital and the Niemen, the German official report issued yesterday does not assert any advance. In fact, General von Buelow in the north and Field Marshal von Hindenburg, who crossed the Narew at some points, are being held up by Russian counter-attacks, which although probably costly to the Russians, show that there is still plenty of fighting in them.

The southeast Field Marshal von Hindenburg's attack on the Lublin-Chelm Railway seems for the moment to have come to a standstill, although he, too, is receiving reinforcements and assistance from the Austrians, who succeeded in crossing the Bug at Sokal. To the west of Warsaw the Germans announce the capture of the village Piorunow, which is about 15 miles west of the fort line of the city.

There is a good deal in the Russian and German official reports which cannot be reconciled, but on the whole the British critics are more hopeful than for some days that the Russians will succeed in withstanding this effort to capture Warsaw, as they did the previous attempt. The stubborn resistance of the Grand Duke's troops, together with the fact that the battle is being fought on ground of his choosing, has renewed the hope in England that with a sufficient supply of munitions he will be able to inflict a strategic defeat on the Germanic allies.

The Germans have again attacked the French in the Vosges and in Artois, near Souchez, in an effort to regain trenches lost during the last few days, and have been partially successful in both places.

So far as the western line is concerned, "comparative calm" prevails, but from the confidence expressed by Premier Asquith in making the adjournment of the House of Commons yesterday and the cheerful report of the Minister of Munitions, Mr. Lloyd George, as to the steps taken to supply the British army with war munitions, greater activity before long is expected.

PONTIFF THANKS GERMAN

Receipt of Contribution From Bishop of Treves Is Acknowledged.

BERLIN, July 28.—By wireless to Sayville, N. Y.—The Overseas News Agency says that Bishop Korum, of Treves, has received an autograph letter from Pope Benedict thanking him for the Peter's Pence contribution. The Pontiff says he deeply regrets this bitter and prolonged war, which has robbed him of the possibility of maintaining personal relations with his best friends.

The Pope closes his communication by sending the apostolic blessing to the bishop of the clergy and their nation.

BECKER MUST DIE; NEW TRIAL DENIED

Justice Ford Says Law Forbids Action.

FRIDAY IS ELECTROCUTION DAY

Wife With Doomed Man When Decision Is Given Out.

NEW YORK, July 28.—Justice Ford, of the Supreme Court, tonight denied a new trial to Charles Becker, the ex-police lieutenant under sentence of death for instigating the murder of Herman Rosenthal, the gambler. This decision means that Becker must be electrocuted Friday.

Justice Ford announced his decision at 10 o'clock tonight in his chamber, where he had labored for several days and nights on the briefs submitted for and against the application for a new trial. He called the waiting newspapermen into his chambers and, as his secretary handed them copies of his typewritten decision, the Justice said:

"I have denied the motion for a new trial. And this is my birthday. I'm 53 today. It's a pretty tough way to spend your birthday, isn't it?"

Decision Reached Tuesday.
"I virtually arrived at my decision Tuesday night," said Justice Ford, "but spent many hours since then phrasing and arranging the opinion."

Then the Justice chatted for several minutes on the law involved in the case he had just decided.

Mrs. Becker was said at that very moment to be visiting her doomed husband in Sing Sing.

Justice Ford's decision covered five full pages of legal-cap paper, and contained about 1500 words. It goes into the details of the affidavits filed by the attorneys for Becker, and declares that the evidence proffered "is for the most part cumulative and hence insufficient."

New Trial Forbidden by Law.
Referring to the plea of W. Bourke Cockran, chief counsel for Becker, that the right to grant a new trial is inherent in the court, the court's decision says:

"I cannot find anywhere in the authorities even a suggestion that this court possesses any such (inherent) power. On the contrary, as has been pointed out, the power is granted by statute and must be exercised in strict compliance with it."

In conclusion the court says: "As I studied the authorities and examined the affidavits, the conviction has grown upon me that if (a new trial) could not be granted without disregarding the law and attempting to usurp the functions of another department of government.

"The motion, therefore, is denied."

Decision Ends Becker's Chances.
Justice Ford was asked later about a possible appeal by Becker from the decision, but he declined to say whether Becker could appeal.

Justice Ford's decision means that Becker undoubtedly will be put to death in the electric chair shortly after daybreak Friday for a crime of which he was twice convicted, after two sensational trials which attracted widespread interest.

The decision disposed of the latest effort to save Becker, begun last Friday when Supreme Court Justice Phillips granted an order for the District Attorney to show cause why a new trial should not be granted.

The writ was returnable Monday before Justice Ford, and Becker's execution, fixed for today, was put off until Friday at the request of Justice Ford, who wanted more time to consider the affidavits.

BECKER HEARS NEWS CALMLY

Doomed Man Disappointed, but Not Afraid to Die, He Says.

OSKISING, N. Y., July 28.—Charles Becker, in the death chamber at Sing Sing Prison, tonight calmly received the news that his appeal for a new trial had been denied.

Father Cashin, the condemned man's spiritual adviser, said later that Becker bore up well.

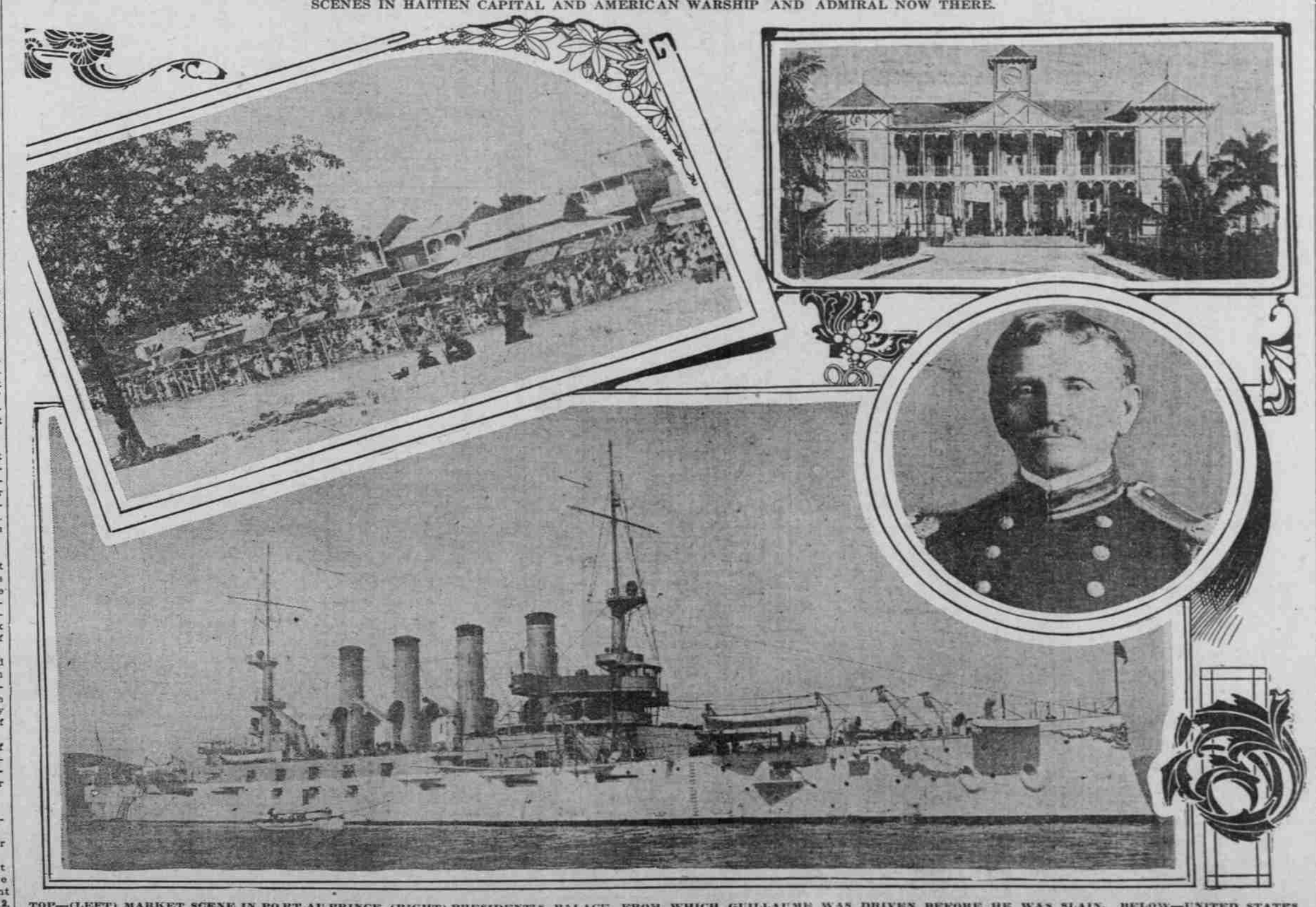
Becker had been waiting for some news, and when Deputy Warden Johnson reached his cell, inquired: "Have I lost?"

Mr. Johnson replied: "Yes, Charlie; I am sorry to say you have."

Becker's voice was thick as he said: "I had been hoping against hope that I would win, and I am disappointed. I am not afraid to die."

Heavenly Army Reported Mobilizing

FORT WORTH, Tex., July 28.—Eight hundred Seventh-Day Adventists, camped at Delworth, between here and Dallas, expect the "second coming of Christ" and the "marshaling of the heavenly army in the skies" as soon as the allies capture Constantinople, it was announced.



TOP—(LEFT) MARKET SCENE IN PORT AU PRINCE. (RIGHT) PRESIDENT'S PALACE, FROM WHICH GUILLAUME WAS DRIVEN BEFORE HE WAS SLAIN. BELOW—UNITED STATES CRUISER WASHINGTON AND REAR-ADMIRAL W. B. CAPERTON.