

GOOD FAITH ARGUED FOR CASHIER HEAD

Surrender of Company Records Intact to Government Pointed Out by Defense.

PERFECTION EFFORT SHOWN

Chance for Mr. Menefee to Destroy Evidence Used Against Him and Own Loss Cited as Contradictory to Intent to Swindle.

The good faith, which he declared the evidence clearly showed to have animated Frank Menefee, president of the United States Cashier Company, in all his actions as head of the concern, was argued for three hours before Federal Judge Beck and the jury in the Cashier Company trial yesterday afternoon by Attorney W. M. Calk.

Mr. Calk laid emphasis on Mr. Menefee's voluntary surrender to the government of the letters and records that have been used as evidence against him in the trial.

He said that Mr. Menefee had been burdened with a guilty conscience and had plenty of time and plenty of warning to have hidden or destroyed all these records.

Active Contradictory Evidence, in View. Mr. Menefee's state of mind, gentlemen of the jury, says Mr. Calk, when he turned over all the records of the company to the mercy of the special agents, could not have been the state of mind of a man who thought he had committed a crime.

When the United States Government goes out to get anything it has every power in the world to get it. I say that with my wife and two little children up there in the Dallas, if Mr. Menefee had been a guilty man the first thing he would have done would have been to destroy all evidence.

When he got that letter, telling him the investigation was under way, if his mind had been running in channels of crime, and swindling and guilt, knowing as he did the combination in the vault where those records were kept, having in his possession the keys to the building—under all these circumstances, I say that if Mr. Menefee had been a guilty man he would have gone down there and opened the vault and destroyed the records, all of them.

Sate Opened to Government. The letter telling him of the investigation came to Mr. Menefee on March 19, 1915. It was in his possession until June 18, when the Government, through Mr. House, made a personal request for the books and records of the United States Cashier Company.

Mr. Calk declared that the Government in reading the letters and going over the books, had done so on the presumption that the defendant was guilty. He told the jury they must consider both sides.

There are 3700 stockholders, who, according to the verdict of the court of the Government, he declared, "have invested \$1,500,000 in the United States Cashier Company; and then in the same breath the United States Attorney attempts to stick a knife into the vitals of the company, to destroy the United States Cashier Company and the interests of these same stockholders."

Good Faith is Emphasized. He went on to declare that the evidence showed that the International Money Machine Company, of which stock the Cashier Company holds 800,000 shares, soon would pay a dividend of 3 1/2 per cent on each share of the par value of \$10, which would be 1 1/2 per cent on each share that had been sold for \$30. He declared that to make the figures seem smaller, the Government had reduced this dividend to cents, showing that 800,000 shares would get 2 1/2 cents, and a share for which \$30 had been paid 1 1/2 cents.

In all candor, he said later, "do you think Mr. Menefee should be held responsible for every little thing done in every department? He might be in a civil suit, it is true, but in this case he should not be held responsible for anything he had turned over to his subordinates to do."

Stock Rises Held Poor Judgment. "And about advertising, I want to say that if he had had to do over every part of the company's literature himself he would have had to live 200 years to do at the same time what he was trying to do for the company. If I speak words for his good faith that he was devoting his time to the factory and trying to hasten the manufacture of machines."

Heaved, what would stock then have been worth? "If Mr. Menefee was attempting to commit fraud," he went on, "why in the world didn't he stick to the original Bilyeu machine? Why did he try to improve anything? Perhaps that was an error of judgment, and perhaps it was not. But if Mr. Menefee was intending to commit fraud, why didn't he do it with the machine he had instead of spending a lot of money to make a better one?"

"They put \$250,000 in cash into their factory. Did you ever hear of a man who started out to swindle, and who took in \$1,000,000, who would spend nearly one-third of it on a mere pretense as the Government calls this?"

Amount Invested is Recalled. "Mr. Menefee put in nearly every dollar he took in and he devoted four of the best years of his life to the company," Mr. House for the Government has testified. Mr. Menefee did, isn't a swindler—he is a fool.

SINGER IS NIECE OF NOTED FRENCH LAWYER.

Portland friends welcomed the arrival of beautiful Julietta Dika, the niece of Maître Labori, the distinguished French lawyer, this week. She is seen here for the first time, the star on the program at Pantages.

Miss Dika followed Gaby Deslys as co-star with Al Jolson in the big Winter Garden production, "The Honeycomb Express," and prior to this engagement she co-starred with Tom Wilson and Harry Green in "Uncle Sam," Montgomery and Stone in "The Red Mill," and prior to this she played the titular role in "The Queen of the Moulin Rouge."

Company. These are facts that we can state without the slightest fear of contradiction. Mr. Calk began his argument at 1:20 o'clock in the afternoon after United States Attorney Beames had concluded his opening argument for the Government in the morning. Mr. Calk was followed today by A. P. Dobson, for F. M. LeMone.

Other attorneys for the defense in the order of their arguments were: Robert M. Moore, for O. E. Gerner; J. J. Fitzgerald, for B. F. Bonnewell and H. M. Todd; Lark Bilyeu, for O. A. Campbell and Martin L. Pipes, closing for Mr. Menefee.

ROADS MAY UNITE BUREAUS. O.-W. R. & N. Co. May Move Passenger Accounts to Omaha.

It is probable that the bureau of passenger accounts of the O.-W. R. & N. Company's auditing department will be consolidated with the Union Pacific bureau of similar nature soon after September 1.

The local office, in charge of A. G. Brown, chief clerk, doubtless will be moved to Omaha. The bureau employs about 50 clerks. Some of the local staff will go to Omaha. It is understood.

This move is in line with the practice of the Union Pacific system lines in concentrating their business as much as possible.

MILK SAMPLES ARE TAKEN. Specimens Procured From Delivery Wagons Will Be Tested.

Gathering of samples of milk from all dairymen of the city to use in a public contest, conducted by R. H. Butthill, of the United States Bureau of Animal Industry, was completed yesterday by milk inspectors of the City Health Bureau.

Each sample has been analyzed and tested for purity, butter fat, solids, color, flavor, odor and general purity.

CLIMBER HURT ON FRIDAY. Miss Lucy Smith, Sustaining Broken Leg, Brought to Portland.

Friday, the thirteenth, proved a jinx for Miss Lucy Smith, of Portland, who suffered a broken leg while climbing a tree near the Government Camp. Mrs. Smith was taken to the hospital at the Government Camp, where she was treated by Dr. J. W. Corbett and Miss Lesley Smith, with California as their destination.

SCHOOL BOARD CAN NOT CALL ELECTION

Previous Action on Kindergarten Question Set Aside Upon Legal Advice.

PEOPLE HAVE AUTHORITY

L. P. Lockwood Opposes Action Until Policy is Decided Upon, While Dr. A. W. Smith Moves to Call Mass Meeting.

There will be no special election September 1 to vote on the kindergarten question for Portland public schools. If there is to be an election an old-fashioned district meeting must be called to authorize it.

M. G. Munly, chairman of the School Board, made this announcement yesterday at a special meeting called to discuss the kindergarten question.

Since calling the special election last week, the board has received legal advice on the subject, and Judge Munly says the board has no authority to call an election. This can only be done by one of the cumbersome mass meetings which were thought to have been totally abolished by the Legislature.

Only three members of the board were present at last night's meeting. A motion to call the mass meeting and attempt to put the kindergarten question before the voters was made by Dr. Alan Welch Smith, but S. F. Lockwood, the new board member, refused to second it, and no action was taken. The question will arise again at the regular board meeting Thursday.

Board Has No Power. The bill passed by the Legislature, Judge Munly said, abolished the annual district school meeting for the purpose of authorizing a tax levy, but did not endow the School Board with the power to call an election. This power still rests alone with the old-fashioned mass meeting.

Judge Munly said he thought the establishment of kindergartens in the public schools might cost too much expense at this time, but he was willing to see the matter laid before the mass meeting. Dr. Smith then moved to call a meeting to discuss the matter, but it would not second the motion.

Before going that, he said, "the board should decide exactly what it wants to do with this matter. It will conduct kindergartens in other cities. We should inquire into the probable cost, and we should know whether the physician and nurse experiment or whether we want to make kindergartens a general thing."

"I thought this was all disposed of once," said Dr. Smith. "We voted to call an election and that should end it until the election is called."

Judge Munly again explained that the board had no legal power to call an election. "I think we are going into something that will cost us half a million a year," said Mr. Lockwood.

Cost is Disputed. "It won't cost as much," retorted Dr. Smith. "I think what a thing's finished it should stay finished. We passed on this matter once. I don't like to stir up a corpse and try to resuscitate it with a pulmotor."

Then ensued an argument between Judge Munly, the lawyer, and Dr. Smith, the physician, on the subject of legal technicalities.

"In the last eight years our National Congress has passed more laws than were passed in all the nations of the world in all time before," said Dr. Smith. "One man recently bet another that he couldn't go 24 hours without being a lawbreaker. He won his bet, too."

"But, doctor," interrupted the Judge, "if my family physician prescribes a course of action for me, I should follow it. I have confidence in him. The same way with legal matters. Our attorney has prescribed a course of action for us and I think we should follow it."

The meeting broke up without a decision being reached except for a general understanding that the matter would again come before the board Thursday.

Pillow Cases at 9c. Basement Sale of Pillow Cases, size 45x36. Extra good quality bleached muslin. Special 9c for this sale at low price of

Bath Towels 12 1/2c. Bath towels, 18x34, unbleached, with fringe. In the Basement

Children's Coats. Special \$1.00. Today we will endeavor to clean up several odd lines of children's coats, only one or two of a kind. All sizes, ranging from 2 to 14 years. Plain or fancy wool mixtures. Special for this sale, \$1.00

Unbleached Muslin Now 5c. A sale of interest to every housekeeper. Good quality unbleached muslin, full 27 inches wide, suitable for many household purposes. Special, the yard, at 5c. Double Stamps with all cash purchases in Basement.

Suit's Remnants at 10c Yd. In the Basement "Underprice Store"—A sale of Textall Suitings in checks and stripes, suitable for women's or children's house or street dresses. Twenty-seven inches wide—Remnant lengths, on 10c sale today at the yard

Special 25c Dairy Lunch Served in Basement—Ice Cream Parlor in Basement Shoe Shining Parlor in Basement—Window Screens, Screen Doors in Basement

\$2.98 Hat Shapes 50c. Basement sale of Hat Shapes in Milans, Hems and Javas. Straight-brim sailors and drooping brims and nobby, close-fitting turbans in black, white and colors. A good assortment to choose from. Values \$1.98 to \$2.98 at 50c

Olds, Wortman & King. Reliable Merchandise—Reliable Methods. Only Retail Store West of Chicago Occupying Entire City Block



Double Stamps on All Cash Purchases Today in the Basement

Wednesday--Basement Day

A Day of Bargain Giving—A Day of Small Profits

Girls' Shoes Now Special \$1.98. In the Basement Underprice Store—A sale of girls' high-top shoes, 10-16 in patent and dull leather; sizes 1 1/2 to 6; all well made on good lasts and most extraordinary values at the low price, today only, pr. \$1.98

Women's \$6 Waists \$2.48. Slightly Mussed Waists 25c. Women's Silk Waists in crepe de chine, Georgette crepe, Jap silk, plain and fancy stripes, also lace Waists in dainty effects well worth \$5 and \$6, special for Wednesday \$2.48. About 300 white Waists slightly soiled or mussed from being displayed on the counters. In order to close them out quickly we offer them at this low price, 25c. \$1.00 grades now for only 25c

Women's Bloomers Special 49c. In the Basement Underprice Store a sale of good quality Bloomers in sizes 25-27 and 29, made of black sateen, suitable for gymnasium or outing wear. Special at the 49c low price of the pair 49c

Mary Jane Pumps Special \$1.48. Another of our famous Wednesday sales of Mary Jane Pumps in patent and dull leathers. Sizes 9 to 1 1/2. Priced very special in the Basement Underprice Store at the low price of only \$1.48. Double Trading Stamps with all cash purchases in this department.

Women's \$4.00 Taffeta Petticoats \$2.69. \$10 Dresses at \$4.98. 250 Taffeta Petticoats just received in white, pink, green, changeable and stripes. Our basement buyer now in New York bought these at less than maker's cost. Bargains at \$4.00. Special for Wednesday \$2.69. Women's Wool Serge Dresses, made of extra good quality materials, hand tailored and neatly trimmed. Some styled in the Eton jacket effect. Colors blue, green, brown, black, etc. \$4.98. Worth \$10, special at \$4.98

Middy Blouses \$1.50 Grade 79c. Middy Blouses, more popular than ever before. A very special purchase of a large quantity enables us to make this offer. Whites, khaki, blue, red and tan 79c colors. \$1.50 values now

Women's Shoes \$4 Grade 89c. Basement Underprice Store—A sale of women's high and low shoes in vici, Patent and dull leathers—SMALL SIZES—good values at \$3.00 to \$4.00. Priced for quick disposal, in the Basement, at the 89c low price of the pair 89c

Women's Suits for \$8.98. A clean-up of women's Summer Dresses of extra good materials, neat patterns in figures, stripes and black and white, etc. Crepes, dimities and voiles. These Summer Dresses are priced \$1.29, \$2.48, \$4.98. A clean-up sale of women's and misses' tailored Suits in smart models for present use. Well tailored and perfect fitting, a good range of colors; priced exceptionally low for today's \$8.98 selling, your choice \$8.98

Men's Sweaters \$2 Grade 98c. In the Basement—A one-day sale of men's ruffneck Sweaters of serviceable gray color with pearl buttons and side pockets. Sizes 36 to 44 98c—values to \$2, sp! Double S. & H. Green Trading Stamps given with all cash purchases in the Basement.

New Fall Models in Corsets 69c. Basement—New Fall models in Corsets, made of good, heavy grade coutil with six good hose supporters. All sizes in the lot and a very rare bargain at this low price, the pair, only 69c

65c Granites at 48c. Hairline patterns in Granite Cloths in the new Fall shades. 36 inches wide. These goods are noted for durability, are excellent 48c 65c qualities, special at 48c

Men's Union Suits \$1.00 Grade 45c. In the Basement "Underprice Store"—A clean-up sale of men's Union Suits in sizes 34-36-38 only. Desirable and reasonable weights. On account of the limited range of sizes we 45c price these \$1 grades at 45c

Bed Spreads Special \$1.58. Basement Underprice Store—A sale of white Bed Spreads in the full double size with scalloped-cut corners, extra good quality. Regular \$1.75 Wednesday sale \$1.58 at low price of \$1.58

65c Serges at 48c. Extra fine quality wool storm serge, 36 inches wide, in all the late Fall shades for suits, dresses and children's wear, regular 65c quality, special at 48c

Boys' Underwear 35c Grade 15c. Boys' Undershirts in the Summer weight. On account of the lines being broken and not having the drawers to match, we offer these 25c and 35c shirts to close out 15c

Pillow Cases at 9c. Basement Sale of Pillow Cases, size 45x36. Extra good quality bleached muslin. Special 9c for this sale at low price of

Checks, Plaids 59c. The very popular Shepherd checks and plaids, full 44 inches wide, desirable for school wear. Priced special for this sale at, yd. 59c the low price of only, yd. 59c

Boys' 2 Pants Suits Special \$3.45. Boys' two-pant suits in smart Norfolk styles, made of very good materials in gray or brown and blue mixtures. Sizes 6 to 16 years. Priced special, this sale, suit \$3.45

States Society Meets. Nebraskans and Kansans Have Annual Picnic at Newberg. NEWBERG, Or., Aug. 17.—(Special.)—The attendance today at the annual meeting of the Nebraska and Kansas Society exceeded the record. Four long tables were required to accommodate those who sat down at noon. The weather was delightful.

Children's Coats Special \$1.00. Today we will endeavor to clean up several odd lines of children's coats, only one or two of a kind. All sizes, ranging from 2 to 14 years. Plain or fancy wool mixtures. Special for this sale, \$1.00 at low price, ea. \$1.00

New Silk Ribbons 35c Grade 19c. In the Basement "Underprice Store" we offer a sale of fancy ribbon in splendid heavy quality, 5 inches wide, good patterns and colors for sashes, hairbows and fancy 19c work, 25c, 35c grade 19c

J. F. Reilly Takes Bride. Young Southern Pacific Attorney Weds Miss Lenora Hammond. A week ago John F. Reilly, a popular young Portland attorney, was married in Bellingham, Wash., and Miss Lenora Hammond, according to letters received from California by some of Mr. Reilly's lawyer friends. They were married Tuesday, August 10, and left immediately for California, passing through Portland without stopping to tell their friends here about it.

Unbleached Muslin Now 5c. A sale of interest to every housekeeper. Good quality unbleached muslin, full 27 inches wide, suitable for many household purposes. Special, the yard, at 5c. Double Stamps with all cash purchases in Basement.

50c Writing Paper Special 29c. A one-day sale of good quality linen fabric writing paper put up in boxes of 50 sheets and 50 envelopes. A regular 50c quality, special the box at low price 29c. Double trading stamps with cash purchases in the Basement Store.

Suit's Remnants at 10c Yd. In the Basement "Underprice Store"—A sale of Textall Suitings in checks and stripes, suitable for women's or children's house or street dresses. Twenty-seven inches wide—Remnant lengths, on 10c sale today at the yard

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15c Laces at 5c. In the Basement "Underprice Store" a sale of beautiful laces in vals and shadow effects in edges, and insertions suitable for many purposes. The 5c 10c and 15c laces, yard 5c Our Basement "Underprice Store" is the Mecca of bargains. Double Trading Stamps given with all cash purchases.

Hoquiam Officer Operated On. M. C. Quimm, Chief of Police of Hoquiam, Wash., underwent an operation for an injury on his foot at the Good Samaritan Hospital, Dr. A. E. W. and Paul Rockey, who have charge of the case, reported that probably he would be able to leave the hospital in a few days. Mr. Quimm injured his foot several months ago by dropping a gun on it.

Burglars Loot Winlock Store. "WINLOCK, Wash., Aug. 17.—(Special.)—Burglars, thought to be amateurs, last night entered H. A. Baldwin's grocery store. Their loot consisted of about \$5 in cash, which they extracted from the till, candies, cookies, bacon and probably other articles. A futile attempt was made to open the

State Jurisdiction to Be Tested. OLYMPIA, Wash., Aug. 17.—(Special.)—Whether the public service commission of Washington has jurisdiction

Professor Jackson Elected. OREGON AGRICULTURAL COLLEGE, Corvallis, Aug. 17.—(Special.)—

Following his presentation of a scientific paper before the Pacific Branch American Phytopathological Association, Professor H. S. Jackson, head of the Oregon Agricultural College department of botany and plant pathology, was elected president of that body, which held its annual sessions

at Berkeley during the first week of August.

Thrift Is a Habit. A Most Commendable Habit formed by the practice of good management in one's home or business affairs. Thrifty people prosper because they take advantage of every opportunity to save. Tomorrow's shoppers in our Basement Underprice Store will receive double benefit—"Low Prices and Double Trading Stamps." Fill your books quickly and exchange them for beautiful and useful premiums in parlors on the Fourth Floor.

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