BOARD DISMISSES FLAX PLANT HEAD

Superintendent J. C. Cady Is Let Out Over Protest of Governor Withycombe.

FRICTION IS DENOUNCED

State Officials to Demand Cessation of Antagonism From Prison Heads—Portland Man Is Named for Position.

SALEM, Or., Aug. 2.—(Special.)—Services of J. C. Cady as superintendent of the Oregon Penitentiary flax plant were terminated here today by the State Board of Control over the protest of Governor Withycombe.

R. Crawford, of Portland, has been named to take charge of the harvesting of the flax crop.

The initiative in removing Mr. Cady was taken today by State Treasurer Kay, who moved that the board dispense at once with the flax superintendent's service. Secretary Olcott supported Mr. Kay.

"I think this is a mistake," commented the Governor. "I do not feel that Mr. Cady has had an opportunity. There is one thing we must grant—that Mr. Cady has more than saved his salary in buying the machinery for the plant. He sent to Canada for the plans of the machinery and had it made in the United States, thus saving the 40 per cent duty which otherwise we would have been forced to pay."

Prison Officials Censored.

Opposition of officials at the penitentiary to Mr. Cady and the flax work in general came in for severe censure by members of the board, who charged that much of the failure of the flax work was due to a persistent policy of "heckling" the superintendent.

Both Governor Withycombe and Treasurer Kay declared there had been no co-operation.

A determination was expressed to secure co-operation of all concerned and to profit by the mistakes of the past season. The board is convinced that flax can be raised and treated successfully by the state.

Referring to the opposition among prison officials, Governor Withycombe declared that Deputy Warden Sherwood, Guard Lilly and Tom Cornelius, ex-head of the prison brick plant, had been "positively opposed to the flax work."

"They did not co-operate," continued the Governor, "and whoever we place in Mr. Cady's place, we must insist that he gets the backing of the prison officials. When those people take a notion to fight a fellow, he has a hard time. They are fighting Mr. Humphrey, the farmer at the penitentiary, right now. There is too much antagonism at the penitentiary."

Frank Minto Antagonistic.

"I agree with you," responded Treasurer Kay. "Frank Minto has been antagonistic to Mr. Cady."

"Yes, I know that," said the Governor. "He even tried to get his job."

Efforts to charge items to the flax fund which were properly chargeable to other accounts were censured by the Governor, who said that when the prison officials needed an extra guard they would charge it up to the flax work. R. B. Goodin, secretary of the board, said he had discovered that the vacations of one or two prison employes had been taxed to the flax fund. Other instances of like kind were cited.

Mr. Crawford, whom the board expects to harvest the flax crop, will confer with it tomorrow. Superintendent Minto reports that many fields of flax are foul with weeds and he objects to paying farmers $15 a ton for some of it. Mr. Crawford, who will harvest the crop, will be given authority to decide what the state should pay for the different fields of flax.

BIDS ASKED FOR LIGHTING

Hoquiam Will Make New Contracts on Retrenchment Basis.

HOQUIAM, Wash., Aug. 2.—(Special.)—Street-lighting contracts for this city have expired and new bids have been called for by the City Commission. The old contracts, which expired the early part of last month, have run over a period of five years and provided for lighting the business section of the city with ornamental gas arcs and the residence districts with incandescents at practically every corner.

In the new contract the City Commission hopes to cut down the cost of street lighting, even if it should become necessary to cut out part of the lights now in use. Last Winter a plan was proposed by the Commission as a part of the retrenchment scheme by which about one-third of the lights in the residence district would be eliminated.

CENTRALIA HAS REUNION

Latter Day Saints to Open Sessions This Week.

CENTRALIA, Wash., Aug. 2.—(Special.)—The annual reunion of the Latter Day Saints of the Seattle and British Columbia district will be held in the North End Park from August 4 to 14. Friday, the opening day, will be devoted to the district conventions of the Sunday School and Religio-Literary Society. The district conference will be held Saturday.

Today the Sunday School and Religio-Literary Society of the local church announced a fine musical programme that will be rendered in the park Friday night.

Chamberlain's Colic and Diarrhoea Remedy

This is a thoroughly reliable remedy for colic and diarrhoea. Use it according to the plain printed directions, and you are sure to get good results. Obtainable everywhere

MOVING PICTURE NEWS

William S. Hart in Scene from "The Captive God" at Columbia Theater

TODAY'S FILM FEATURES.

Heilig—"Damon and Pythias."
Columbia—"The Captive God," "The Waiters' Ball."
Majestic—"Under Two Flags."
Peoples—"Whispering Smith."
Pickford—"Common Ground."
Sunset—"Hell's Hinges," "The Judge."
T. & D.—"Gloria's Romance," "Miss Petticoats."

FANNIE WARD, the Lasky star who scintillated in "The Cheat" and "Tennessee's Pardner," is the most brilliantly successful of all of the stage celebrities who entered upon screen engagements during the past year. So says Julian Johnson, of Photoplay Magazine.

Among the stage players who have succeeded in the movies he names Marie Doro, Pedro de Cordeba, Charlotte Walker, William H. Thompson, William Desmond, H. B. Warner, Frank Keenan, Forrest Stanley, Frank Campeau, Tully Marshall, H. Cooper-Cliffe, Arthur Ashley, Lewis S. Stone, Frederick Warde, Willard Mack, Lou Tellegen, Charles Ruggles, Orrin Johnson, Herschell Mayall, Jane Grey, Grace Valentine, Olga Petrova, Gail Kane and Mabel Taliaferro.

A list of those who failed to hit the bullseye include Willie Collier, Raymond Hitchcock, Weber and Fields, Eddie Foy and De Wolf Hopper.

"And here are notables," says Johnson, "who did not get far in the land of the story-telling shades: John Mason, Valli Valli, Donald Brian, Anna Held, Constance Collier, Edna Goodrich and William Gillette."

Returning to the successes, this critic names Bessie Love, of Triangle, lately appearing with Douglas Fairbanks, as the first of the real stars the year has created.

"Here is a talent more direct, simple and sweetly sincere than any discovered since Mary Pickford," he writes.

Edna Purviance, Chaplin's leading woman; Gladys Brockwell and Louise Fazenda he names among other "finds" of the season.

Some "babies," either in age of film experience, "worth watching" are: Ann Pennington, Doris Kenyon, Marjorie Daw, Camille Astor, Marjory Wilson and Dorothy Green.

Majestic.

Theda Bara, in "Under Two Flags," a production in which she clearly demonstrates her versatility as a screen star, and proves that she is not exclusively a portrayer of vampire roles, will continue as the Majestic Theater's leading attraction throughout the week.

In this picturization of Ouida's famous story the Fox vampire woman plays the role of the idol of a French regiment in Africa. Not only is she cast in a part calling for a characterization just the reverse of the seductive home-wrecker, but she is required to do several athletic stunts, including a 50-foot horseback leap into the water.

Pathe News, with the latest events of interest throughout the world, a Hughie Mack comedy, "The Jealous Guy," and preliminary pictures of the "Veda, the Vampire" film, are also screened. The "Veda, the Vampire," footage shows the principals in the society film at their makeup and at work on several scenes.

Peoples.

"Whispering Smith," the great 10-act railroad story, with its wealth of epic action of the West, will continue its engagement at the Peoples Theater for the remainder of the week.

As a red-blooded tale of railroad life in a pioneer section of the Rocky Mountains, "Whispering Smith" stands out as one of the distinct successes of the year. Wrecks, depicting the telescoping of freight cars; wrecking operations, showing the looting of cars; holdups, gunfights and other incidents of the heroic period in transportation history, are all graphically presented in this story.

However, romance and love are not sidetracked, for the story, dealing with a railroad company's struggle against a gang of looters, revolves about a detective's love for the wife of the gang leader. Helen Holmes and J. P. McGowan are the leading figures in this drama.

Columbia.

So successful has been the early-week screening of the Columbia's programme, headlined by William S. Hart and Fatty Arbuckle, that Manager Myrick announces the continuation of the bill for the remaining three days of the week. Hart is appearing in "The Captive God" and Arbuckle in "The Waiters' Ball," a combination which fans declare is the strongest Triangle offering in months.

"The Captive God" is a spectacular drama of Indian life in Mexico of the 16th century. Aztec civilization and religion are extensively outlined in a story which for spectacle strength and atmosphere fidelity is one of the greatest of all Hart productions.

"The Waiters' Ball" is a Keystoner, with Arbuckle ably assisted by that bounding lad, Al St. John. There is nothing startling or surprisingly new in this two-reeler, but the cheerful moulding of the best of the old has produced a comedy of unusual mirth.

Sunset.

William S. Hart, in "Hell's Hinges," a tense drama of the Western bad man, and a Harry Booker Keystone comedy, "The Judge," will be the film features on the Sunset Theater's new programme opening today.

This is the second Sunset bill under the new regime whereby re-engagements of Triangle and Paramount productions will be screened. Return screenings of all of the big features of these two big releasing concerns will comprise Sunset entertainment hereafter.

Screen Gossip.

Winifred Kingston, Dustin Farnum's leading lady, having just finished her last picture with Farnum for a while, is preparing for a motor trip through the northern part of the state, including the National parks. This trip will be unique in that there will be no men in the party. It is to be an exclusively women's party.

* * *

"Stuart Holmes certainly plays the villain to the minutest detail," said A. H. Van Buren, the new William Fox star, recently, while Holmes was promenading in his war correspondent's suit, the pockets of which are placed at ghastly angles.

"What do you mean, Van, what do you mean?" someone asked.

"Why, even his pockets aren't on the level!"

* * *

Bessie Love, the Griffith star, is running Anita King, of Lasky's, a close race as an official opener of theaters. Miss Love recently place a Long Beach, Cal., theater in commission.

* * *

Dorothy Phillips has long been a leading woman with Universal. Miss Phillips is a daughter of the Orioles, having been born in Baltimore October 22, 1882. The speaking stage gave her training for the silent stage, upon which she first appeared under Essanay, playing leads. She has scored triumphs in many plays of note. Miss Phillips' height is 5 feet 4 inches, weight 125, and her eyes and hair match in brown.

* * *

Norma Nichols delighted the film public with her portrayal of Chiquita, the ingenue in "The Ne'er Do Well," a Selig production. From Selig Miss Nichols went to Kalem, in whose studios she now is making fun in Ham and Bud comedies. She took Ethel Teare's place when Miss Teare was given her own company. Miss Nichols is one of the beauties of the screen—tumbled hair and great gray eyes.

* * *

Annette Kellerman was born in far Australia. In childhood she was an invalid, and the doctors recommended swimming. She became an expert, later coming to California, an exponent of the speedy Australian "crawl" stroke. After a period of racing and instructing she went into vaudeville and then joined the Fox forces. Her new feature, "A Daughter of the Gods," promises to outdo even "Neptune's Daughter." Miss Kellerman aspires to the Russian ballet.

* * *

Earle Foxe was born in Oxford, Ohio, in 1887, is a graduate of Ohio State University and has been playing before the camera several years. Mr. Foxe made for himself many admirers by his portrayal of Silver Spurs in "The Love Mask" and Dave Tolliver in "The Trail of the Lonesome Pine," the latter with Theodore Roberts and Charlotte Walker, both plays of which were produced by Lasky.

* * *

John Emerson is a Fine Arts director and also a talented actor. He first entered the pictures with Famous Players, appearing in "A Bachelor's Romance" and "The Conspiracy." Fine Arts then adopted Mr. Emerson, he became a director and among his productions were "Old Heidelberg" and "His Picture in the Papers." He acted in "The Flying Torpedo." He was for years a member of the Charles Frohman organization.

* * *

Lucille Taft, Gaumont, first played on the stage in the role of a little pickaninny. A theatrical director who was a friend of the family happened to remark one evening that he needed just one little pick to complete his cast and Lucille begged so hard that she was allowed to have the part. She was older than she looked, but very small of stature. She is now looping the loop in aeroplanes and performing other thrillers as a Gaumont star.

* * *

Teddy Sampson, World Film, made her first appearance in "School Days," a vaudeville act, when she was but 15 years old. Next season she was a member of the chorus of the "Wall Street Girl" and afterward played several seasons in vaudeville. It was while doing her turn on the "two-a-day" that Griffith saw her and engaged her at once. In private life Teddy is Mrs. Ford Sterling, wife of the famous comedian.

* * *

Florence La Badie, who plays leads in Thanhouser features, was born in Canada 21 years ago. She came to New York to study painting and sculpture and then became interested in moving pictures. Her first engagement was with Biograph, where she was developed by David Griffith. She is best known to the public as the star in two of the greatest Thanhouser serials, "The Million Dollar Mystery" and "The Five Faults of Fio."

* * *

Lou Tellegen is a priest and Cleo Ridgely a Parisian dancer in a Paramount picture to be released ere long.

* * *

Jiu jitsu fights, two of them, will be interesting features of the next Sessue Hayakawa picture.

* * *

Melbourne McDowell, legitimate stage star and former husband of Fannie Davenport and Blanche Walsh, has been engaged to appear in a five-reel modern gambling exposure story, "The Heart of Marcus."

* * *

Powers & Laemmle have sold their private exchanges to Universal for $1,000,000. However, as Powers & Laemmle own Universal, there is nothing particularly exciting in this announcement.

RELEASE OF JAMES LEVEL IS ORDERED

Supreme Court Settles Odd Case in Which Portland Man Suffered Imprisonment.

JUSTICES ARE UNANIMOUS

Appellant, Sued by Namesake, Who Is Serving Life Sentence in San Quentin Penitentiary, to Be Freed Today.

SALEM, Or., August 2.—(Special.)—The Supreme Court today ordered James M. Level, of Portland, released from the Multnomah County Jail, where he has been imprisoned since May 30 for nonpayment of $1043.49 alleged due John Level. The latter is serving a life sentence for murder at San Quentin, Cal. The men are not related.

In granting the petition of James Level for his release from jail, the court declared the decree of Circuit Judge Hamilton void and the imprisonment of Mr. Level as unlawful. Justice Benson wrote the opinion, which was concurred in by Chief Justice Moore and Justices Bean and McBride.

"There are two grounds upon which it must be conceded that imprisonment of the petitioner is wrongful," declared the court. "First, a careful reading of the answer to the cross bill discloses no fraudulent actions upon the part of the plaintiff, and therefore, the cause is not one in which the severe remedy of an execution against the person may be invoked. Second, it will be observed that the decree is based exclusively on the findings and decisions of the referee.

Case Started in 1912.

"The statute in this state has taken away from the referee the authority to make findings of the fact and conclusions of the law in an equitable proceeding. It is true that the court might adopt the findings and conclusions so made as its own, nevertheless, its decree must be based upon the evidence and not upon unauthorized findings. The recital in the decree that the said judgment be for money fraudulently and unlawfully retained by James M. Level is not based upon any issue found in the pleadings."

The case arose in December, 1912, when the California convict began action against James M. Level and wife to recover money which, he alleged, James Level owed him. When the defendants had filed their answer and a cross bill in equity, to which the plaintiff replied, the lower court referred the question to a referee to take testimony and "decide the whole issue." Upon the referee's reporting Judge Hamilton entered a decree. An execution was then issued and James M. Level was imprisoned.

MR. LEVEL'S LAWYER ADVISED

William P. Lord Fought Case Through Circuit and Federal Courts.

County authorities had received no official notice of the decision or order to release James M. Level last night, but William P. Lord, Mr. Level's attorney, received the following telegram from Arthur S. Benson, deputy clerk of the Supreme Court:

"Level opinion today directing prisoner to be discharged."

The case was fought through Circuit and Federal courts in a vain effort to get Level released.

Level was imprisoned because of fraud alleged in the decree signed by Judge Hamilton, of Douglas County, who was sitting for Circuit Judge Morrow when the case first came up, three years ago. There was no evidence of fraud in the pleadings, contended Attorney Lord in his appeal, and the findings of a referee in the case were signed by Judge Hamilton without personal knowledge of the case, it is asserted, because the original testimony was not filed with the court.

HONOR IS ASKED FOR AIR

"Star-Spangled" Banner Hereafter Will Be Played Alone.

Playing of the "Star-Spangled Banner" or parts of that air along with other compositions is tabooed as far as the Municipal Park Band is concerned. Mayor Albee has the promise of the band to use the National air alone hereafter and he urges other musical organizations to follow suit.

The action is part of a campaign which is spreading over the country to protect the honor of the National air. To play it in conjunction with other pieces causes people to discontinue their habit of standing while it is being played, the Mayor says. He urges that whenever it is played the band or other musical organization members rise to their feet.

Eagles Will Frolic Sunday.

HOQUIAM, Wash., Aug. 2.—(Special.)—Indications are the Eagles' picnic at Offut Lake next Sunday will be the largest ever held by Grays Harbor organizations. The picnic is being handled by the Hoquiam Lodge of Eagles, and the Aberdeen lodge has joined in, making the annual picnic a joint Grays Harbor affair. It is anticipated that at least 3000 will go from Grays Harbor cities, weather being fair.

The government of New Zealand is replacing its wooden telegraph poles and letter boxes posts with reinforced concrete ones.

Having a span of 328 feet, the new bridge across the Tiber at Rhome is the longest reinforced concrete arch in the world.

THEATRE
BROADWAY AT STARK STREET

All This Week
ALICE BRADY
—IN—
"MISS PETTICOATS"
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BILLIE BURKE
Chapter 12, "Her Fighting Spirit" of "Gloria's Romance."
Matinees, 10c. Evenings, 10c and 15c. Loges, 25c.

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MARIE DORO

The Pretty Frohman Star, With

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TAX STAND UPHELD

Road Work Fund Can Be Used for General County Benefit.

SUPREME COURT DECIDES

Opinions of Attorney-General and District Attorney Evans Sustained in Settling Question for Portland.

The stand of Attorney-General Brown and District Attorney Evans that taxes collected in counties for road work could be spent as a general fund for the benefit of the entire county, taken in the case of the State, ex rel Brady, against the Commissioners of Multnomah County, was sustained by the Supreme Court Tuesday in its decision on the appeal from a demurrer filed in the injunction action of L. N. Roney against Lane County.

An appeal was taken by Mr. Roney, a taxpayer of Lane County, when a trial court sustained a demurrer against his action to enjoin the collection of a road tax. The County Court of Lane County, in making a budget, inserted the sum of $110,620 under "Roads" to be levied upon all the taxable property in that county, including that within the city of Eugene, which has a charter exempting it from road taxes, etc. The amount estimated was incorporated with the larger amount of $320,683.50, which is denominated in the budget "General Fund," the rate levied to raise which was 8.676 mills.

The grounds on which the request for injunction was made were found in a section of the Oregon law which provides that incorporated cities are separate road districts and 70 per cent of the taxes collected therein must be spent inside the district.

Applied to Multnomah County it would mean that the county, which badly needs the money raised for roads, would be able to use but 30 per cent of the amount raised by taxation in Portland.

This same question was an issue but a minor one and one not calling for decision by the Supreme Court, in the Brady case, which was an attempt to make of Portland a separate road district. Attorney-General Brown and Mr. Evans, in the argument before the Supreme Court, maintained that the law (invoked by Roney in Lane County) was amended by an act of the same Legislature, but passed at a later time. The case of Kime against Thompson was cited.

It was held that the county, in levying taxes for the purpose of constructing roads, was not compelled to follow sections 6320 and 6321, Lord's Oregon Laws, but that the county had the right to levy a tax upon all taxable property of the county, wherever situated, and to apply a part of the same to the construction and operation of a system of county roads within the county.

Flooded River Recedes.

RIDGEFIELD, Wash., Aug. 2.—(Special.)—Lake River at this place is almost back in its banks after being flooded for nearly two months. Much of the bottom land between Lake River and the Columbia is now out of water, and it is feared that the pastures are ruined because of being inundated so long. Farmers are rejoicing that the water has left their land and some will reseed.

Tacoma Rioters Indicted.

TACOMA, August 2.—The county grand jury returned indictments against Frank Roscheck and Ben Knutson, charged with rioting at the east end of the Lincoln bridge, July 16, when Oscar Leinann was shot and killed. The men indicted are longshoremen.

Bullion Notices Suspended.

LONDON, August 2.—The Bank of England, from which institution bullion movements are obtained, today gave out this statement: "No further bullion announcements will be made public until further notice."

A Sand Storm—Remarkable Feats of Horsemanship—Cigarette's Daring Leap Into the Water From Fifty-Foot Cliff—

Are Some of the Big Moments in

"Under Two Flags"

Ouida's World-Famous Drama, Starring

THEDA BARA

As Cigarette, the Daughter of the Regiment

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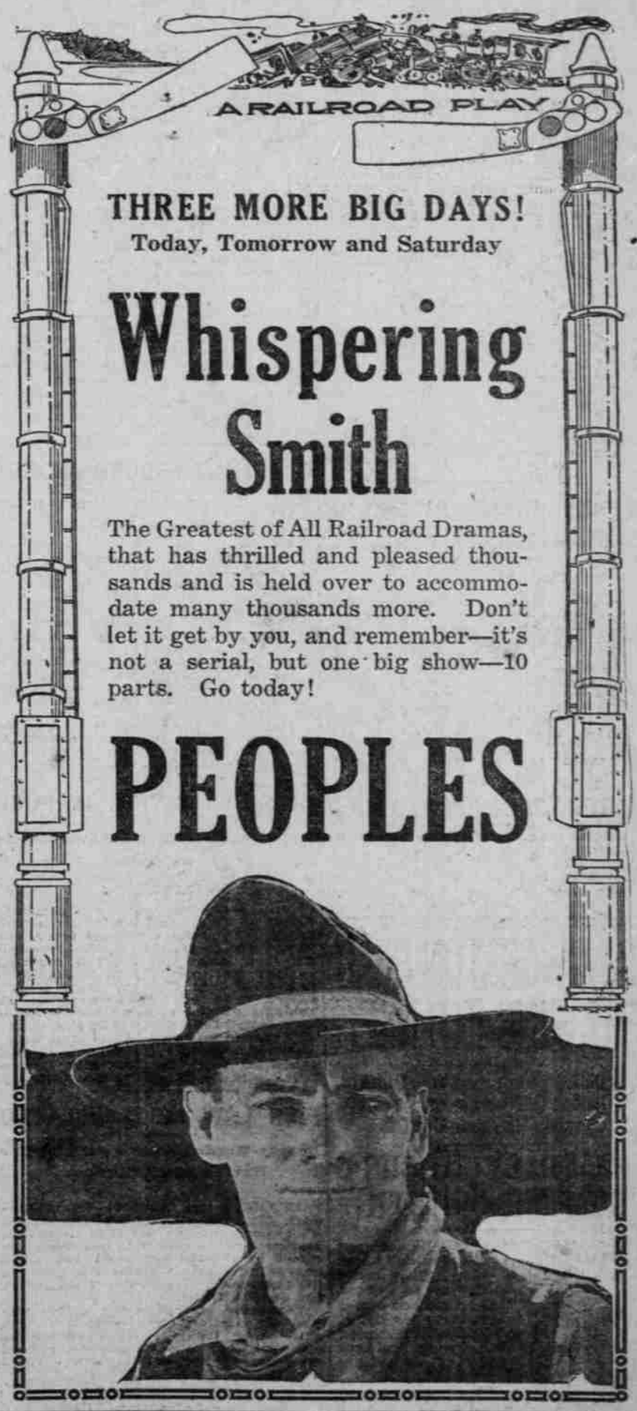

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