

NOTARIAL WEDDING IS DECLARED VALID

Main Contention Won by Prosecution in Case Against Homer N. Ford.

MRS. FORD CHIEF WITNESS

Mother of Defendant's Four Children Tells of Losing Three by Death and of Visit to Husband's Family as His Wife.

Not being prohibited expressly by statute, a common law marriage in Oregon today is as legal as one performed by minister or judicial officer.

This is the ruling of Circuit Judge George F. Davis, delivered yesterday in the trial of Homer N. Ford, who repudiates Mrs. Caroline Ford and their daughter, Harriet, on the ground that marriage before a notary public in Eagle City, Alaska, was not binding.

If the prosecution proves to the jury that this ceremony was performed in Alaska and that Ford and Mrs. Ford have since lived as man and wife, Judge Davis' ruling holds that marriage to be absolutely legal.

"I believe that a common law marriage should be recognized by the courts of this state—the evils of failure to recognize it are much greater than those of recognition," said Judge Davis from the bench. He went on: "Marriage existed before codes and before creeds and is a natural relationship. The contract marriage grew from that and has become part of the common law of England by reason of the immemorial usage. Statute law prescribes certain officials and church representatives who may perform marriage ceremonies. The construction of the statute is that it is not mandatory but merely directory.

Prosecution's Case Strengthened. "In the absence of anything in the acts of the state which takes from man and woman that natural right of marriage, this court shall presume that it still exists. I think the prosecution intended to take away that right. I believe there is nothing more solemn in the nature of marriages than a common law wedlock, entered into in good faith."

In this decision, the prosecution won a decisive point of its case. If Judge Davis had ruled that if the ceremony before the notary was proved, it would not be a legal marriage, the case against Ford probably would have been dismissed by the state, for if Mrs. Ford had no legal right to her husband's name or property, the act of Elizabeth Frary in signing a deed conveying property as "Elizabeth G. Ford" could not have been forgery. Other facts surrounding the notarial marriage being virtually unimpaired by the decision, it would follow that Elizabeth G. Frary, who has been living with Ford in Canada and has been represented as his wife, cannot be legally married to him.

Mrs. Ford Principal Witness. Except for the hours of argument on the legality of a common law marriage by common law in Oregon, Mrs. Ford was on the witness stand all day yesterday. Protest of Attorney McCue to testimony by Mrs. Ford brought about a curious situation. He objected because the prosecution maintained that Mrs. Ford was the wife of the defendant, and said that a wife should not testify against her husband.

"Very well, if you will concede that she is the legal wife of Mr. Ford, as the state contends, will you dispense with her testimony," offered Deputy District Attorney Collier. Deputy District Attorney McCue would make such a concession, and his objection was overruled. This was prior to the legal argument of the question between Deputy District Attorney Hindman and Attorney McCue.

Attorney McCue took the position that there is no such thing as a marriage by common law in Oregon, and that Oregon law was in effect in Alaska at the time of the ceremony there was no legal marriage.

Deputy Hindman's position, supported later by the court, was based on a United States Supreme Court ruling by Justice Stone in a Michigan case which held that marriage is a natural right not denied by common law unless expressly banned by state statute, as is not the case in Oregon.

Pathetic Story Told. Mrs. Ford was a pathetic figure on the witness stand, as she told, with eyes welling with tears at poignant recollections of her life as the wife of Homer N. Ford from their marriage in 1898 until he sent her from him in 1908 without the formality of a divorce. He continued to contribute to her support, however, until February, 1914, she said.

The woman told of leaving California, where she had taught music, German and domestic art in Los Angeles schools, at the time of the gold rush of 1898 in Alaska, of her trip to Skagway, to Summit, and to Eagle City; of meeting the man she was later to marry, on the trail near Summit; and of cooking, with other young women who had faced the adventurous life, for men at a wood camp.

"I shall be so kind and good to you that you will have to love and respect me," Ford was said to have told her when proposing.

There was the marriage, with no priest or judicial officer within 500 miles, by the notary, with friends of both present. Then there were the children. The first, a daughter, was born in August, 1900, and died the following February. A second was born and died in 1902. Harriet was born in 1904, and a fourth child died at birth in 1906.

Visit Paid Ford's Family. Mrs. Ford came to the United States, visited her father and mother in Michigan, Mich., and everywhere, she testified, was introduced by Ford as his wife. In turn, he was introduced to her brother and sister in Los Angeles. The first visit to the states was in 1902, the second in 1904. They lived in the East until 1908, when, in James town, said Mrs. Ford, her husband told her he was tired of her and refused to live with her longer. She went to Los Angeles, and later returned and came to Portland in 1915.

Except for \$150 sent her by her sister-in-law's husband, Harold Graves, Mrs. Ford asserted she had received nothing from Ford or his family toward her support since February, 1914. On cross-examination Attorney McCue endeavored to get an admission from Mrs. Ford that she and Ford had lived as husband and wife before the ceremony at Eagle City. He also accused her of conducting a road-house in Alaska.

Road-House Accusation Denied. "I don't know if you would call it that," replied Mrs. Ford. "I would give travelers meals as they went past on the trail, and one time a man told me I was foolish to charge only 25

TWO VIEWS OF MAN WHO REPUDIATES COMMON-LAW MARRIAGE, HELD BY JUDGE DAVIS, IF PROVED, TO BE LEGAL.



Homer Nathaniel Ford.

PARKING PLAN IS ABUSED

Only Vehicles for Hire to Be Allowed in Special Strip. For reasons which nobody seems able to explain, the idea of parking for hire automobiles in the center of Sixth street has not been given a fair trial, according to the original intentions and therefore the members of the City Council do not know whether it would be a success or not.

PAVING BIDS OPENED

Four Offer Prices for Work on Interstate Bridge. Bids for the paving of the Columbia Interstate bridge were opened yesterday by the Interstate Bridge Commission, meeting at the offices of the Multnomah County Commissioners, and the figures were turned over for comparison to E. E. Howard, the representative of Harrington, Howard & Ash, superintendent of the engineering work on the structure.

REPORT EXPECTED TODAY

E. E. Howard, Consulting Engineer, Is to Compare Figures Submitted by Contractors and Advise Award to Be Made.

Four contractors have offered bids on the job, giving the date when they can finish the work. They are as follows: Reliance Construction Company, 75 days; Warren Construction Company, December 15, 1916; Lee Davenport, January 15, 1917, and Oskar Huber, 90 days. The bids of Davenport and Huber were accompanied by certified checks for \$11,000; the Reliance Construction Company, \$13,000, and the Warren Construction Company accompanied its bid with a certified check for \$15,000.

BRIGHT GIRL WINS TRIP AS CLUB PRIZE.

Margaret Jones, 13 years old, made the highest score in the girls' industrial club work in Multnomah County and is winner of the trip from this county to the girls' camp at the State Fair. Her entry was in sewing, and she won on a very high score. She is also a member of the champion girls' canning team, which will represent Multnomah County at the State Fair. She is the daughter of Mr. and Mrs. John Jones, of Fairview.



Margaret Jones.

2 TAKEN IN LIQUOR RAID

20 GALLONS OF WHISKY, 9 BARRELS OF WINE CONFISCATED. Leo and Sam Gottuccio Arrested by Detectives Who Say They Bought \$7 Worth of Intoxicants.

Twenty gallons of whiskey and more than nine barrels of wine were confiscated late yesterday in a raid made on the establishment of Leo Gottuccio and Sam Gottuccio, 671-73 East Seventeenth street, by City Detectives Cahill and Hill and Patrolmen Richards and Burkhardt. The two men were placed under arrest on charges of violating the prohibition law.

LAWYERS WILL BE ASSAILED

Ad Club to Criticize Legislation Antagonistic to Business. Legislation adverse to the healthy growth of business will be assailed by the Portland Ad Club at its luncheon at the Benson Hotel today.

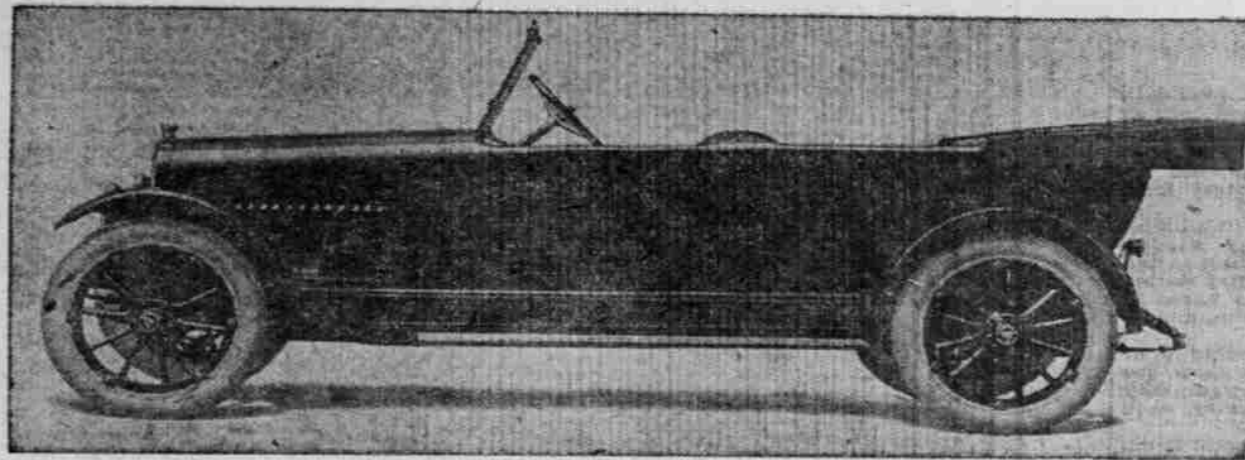
PHYSICIAN IS ARRESTED

Issuing of Liquor Prescription Causes Charge at Centralia. CENTRALIA, Wash., Sept. 19.—(Special.)—On a charge of writing a prescription for liquor without cause, Dr. J. G. Sargent, a prominent local physician, was arrested by the police yesterday. Earlier in the year three other physicians were arrested on similar charges, but won out when they appealed to the Superior Court.

YONCALLA'S SCHOOL IS FIRST

ROSEBURG, Or., Sept. 19.—(Special.)—Winners of the prizes in the fruit-canning contests held in connection with the recent county fair were announced here yesterday. The awards were: Yoncalla, first; Fullerton School, Roseburg, second; Riddle School, third; Benson School, Roseburg, fourth. The judges were P. L. Strang, Mr. W. C.

THE CAR AHEAD A Hudson Super-Six Hudson Just Broke the Transcontinental Record by Fourteen Hours Fifty-nine Minutes



Here is a motor, exclusive to Hudson, which has proved itself in every way the greatest motor built

- The most powerful for its size The speediest—the most enduring An incomparable hill-climber The quickest in acceleration The smoothest-running motor known

Nobody who knows can doubt that. The proofs lie in official tests. Any Hudson dealer, in 30 minutes, can remove any lingering doubt. And 15,000 Super-Six owners are proving its supremacy on every road and street.

What then is there on the other side? Why should any fine car buyer get a lesser car?

Only a Misconception Nothing but a misconception can make another car seem better than the Hudson Super-Six.

This invention, at one step, increased motor efficiency by 80 per cent. This without adding a cylinder, or a complication, or a cubic inch to size.

Simply by reducing vibration until friction is almost nil. And thus, at the same time, doubling motor endurance. It involves no experiment. Standard practice has been altered only in one respect. The result is a car which out-performs all others. And every owner knows it.

Some Disproved Ideas

In the early days of the Super-Six some said, "Wait and see. There must be some shortcoming." But the car made endurance records such as never were approached. And with 15,000 running that question is dispelled. Then for months men said, "Why want the Super-Six? There are thousands ahead of me—I can't get delivery."

No Feats Like These Ever Before Performed. Fastest time in the world's greatest hill climb up world's highest highway to summit of Pike's Peak—against 30 contestants—made with a Hudson Super-Six Special. Also these records all made under American Automobile Association supervision...

Table with car models and prices: Phaeton, 7-passenger...\$1475; Roadster, 2-passenger... 1475; Cabriolet, 3-passenger... 1775; Touring Sedan...\$2000; Limousine... 2750.



C. L. BOSS & CO. 615-617 Washington St., Portland, Or.

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DARKEN YOUR GRAY HAIR

Have Beautiful, Soft Hair of an Even Dark Shade. Not even a trace of gray shows in your hair after a few applications of Q-Ban Hair Color Restorer to hair and scalp. Q-Ban is no dye, is harmless, but makes scalp and hair healthy and restores the natural color glands.

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