

BARTHOLOMEW MAY TAKE STATE TO COURT

Man Accused of Murder of John Lind to Combat Evidence of State.

PROSECUTION RESTS CASE

Chief Evidence Against Defendant Is Statement Made to District Attorney: This Is Read to Jury—Bat Clev Barred.

With the possible exception of minor testimony which could be introduced today only in the event that Circuit Judge Davis reversed his decision on a question of evidence after hearing arguments this morning, the state closed its case against Edward Bartholomew accused of the murder of John Lind yesterday. The defense will open today.

Chief evidence against Bartholomew is a statement made by his participation in events surrounding the murder, made to District Attorney Evans after his return to Portland from Seattle, where he was arrested in November. This was read to the jury yesterday.

If this record is not repudiated and the defense puts on no testimony, it would remain for the state to show, in support of its contention, that the assertions of the suspect are not consistent with facts surrounding the crime, to which witnesses have testified.

Defendant Will Testify.

The defense could rest its case without calling a witness to the stand, if it could show that the statements made by Bartholomew to the district attorney were not incompatible with the other evidence the state has been able to produce. This would be a matter of logic.

However, the defense does not intend to rest the case on the showing of the prosecution. Bartholomew, said yesterday that in all probability he would put Bartholomew on the witness stand today and that he would call other witnesses.

Presentation of authorities in a protest against the ruling of Judge Davis excluding from evidence the baseball bat with which the prosecution contends Lind was killed, and also evidence pertaining to the murder, will be made by Prosecutor John Collier this morning.

Judge Davis interrupted the testimony of Detective John Goltz yesterday, to comment that there was serious doubt in his mind that Goltz was entirely reliable in testimony concerning the bat to go into evidence, and that he wished to hear from both sides on the question.

A recess was taken, during which Attorney Collier and Robison, for the prosecution, and White, for the defense, consulted law books. They argued their conclusions to Judge Davis, who decided for the defense.

Evidence of Bat Excluded.

"If I err I would rather be on the side of the man who trial, whose means would not allow him to appeal from the finality of a conviction," said the jurist. "I will refuse to admit the evidence, and I will instruct the jury to disregard any which has been given concerning the bat, on the grounds that the connection of the bat to the crime and with the defendant is too remote."

Prosecutor Collier asked permission to present further testimony, but Judge Davis said that the evidence should be admitted, today, and the request was granted.

The baseball bat was found in the basement of the house where the murder was committed, six days after the crime. The state has introduced evidence that it had been used by the murderer and had been laid aside in the basement because it was too large to go into the trunk which carried the evidence of the slaying had been burned.

On the bat were stains, which, in a test made by Dr. R. L. Benson, professor of pathology and bacteriology at the University of Oregon medical school and pathologist for St. Vincent's and Good Samaritan hospitals, December 14, 1916, were proved scientifically to have been made by human blood.

While there was the blood evidence to connect the bat with the murder, there was no evidence introduced to connect the bat with Bartholomew.

Tests Are Thorough.

The human blood tests were thorough, testified Dr. Benson yesterday, and required in preparation nearly two weeks. Due to the serum inoculation of rabbits necessary to the proof that the blood, discovered by a more simple test, was human blood, Dr. Benson's testimony, if Judge Davis does not reverse his decision, must be disregarded by the jury.

The transcript of the statement made by Bartholomew before the district attorney was read by J. P. Wood, court reporter, and Deputy District Attorney Robison. Though going into more intimate detail, the story was similar in most respects to that told by Detective Snow and to which the detective testified Wednesday.

It contained the same admission that he was in the room where Bartholomew was killed by a person Bartholomew says was Paul Lund; that he saw the first blow struck; that he left the room for several minutes and returned to find that the body of his friend Lind had been stuffed into a green trunk; that he cleaned up the trunk and that he helped dispose of the trunk in the river.

Following his reading Detective Goetz was called to testify that Bartholomew had told him that he met Lind twice after the trunk had been thrown into the river, whereas the statement to District Attorney Evans emphatically asserted that Bartholomew had never met Lund again after the body had been disposed of.

Courtroom Is Crowded.

GREAT FEATURE FILM FILLED WITH HIGH-CLASS MELODRAMA

D. W. Griffith Has Epitomized Love's Struggle Throughout the Ages Into "Intolerance," Making Protest Against Society's Evolution.



Miriam Cooper in "Intolerance" Marjery Wilson in "Intolerance"

ONE of the outstanding features of "Intolerance," the spectacle motion picture drama which is the attraction at the Eleventh-Street Theater, is that it is replete with high-class melodrama.

Stories of love's struggle throughout the ages, which is the principal theme in the picture, are illustrated with amazing rapidity and splendor. The human touch is evident in every episode, whether it is the thrilling and modern escapades in the slums of today or in the squalid environs of the Babylonian period of 500 B. C. The great love urge has been depicted with impressive accuracy in these as in the stories surrounding the French Huguenot period in France in the sixteenth century or the Biblical era 27 A. D.

"Intolerance" is in reality D. W. Griffith's protest against society's evolution, which he has apparently found faulty in many particulars. He has given to his spectators a viewpoint of large scope. The picture gives the impression of what transpires in the mind of a great sociological thinker and approximates that idea to the extent that the picture becomes the visualization of a soliloquy of a modern mind trying to grasp the larger aspects of the great mind's thought.

only money advanced by the authorities to defray his expenses was \$10 given him by City Detective Snow, he said. Most of the time he "beat" his way, he declared.

Mrs. L. Brainer, saleswoman at a hotel, said that she had seen Bartholomew as the man who purchased fresh sheets and a pillow slip from her the day after the murder. She noticed a bit of gold in his purse, she said, two \$20 gold pieces being easily visible.

Dr. Raymond E. Watkins, who made a posthumous examination of the skull of Lind last month, described the nature of the death-causing wound. The conclusion was that the blow, about three inches long, with fractures extending from it to the left temple and to the back of the head.

PORTLAND, Jan. 4.—(To the Editor.)—In answer to what seems to be a carefully prepared article in The Oregonian today from a member of the Ad Club to uphold ordinance or on test, which is just on the eve of being heard in the Circuit Court, after the jury in the Police Court, I trust that you will give me as conspicuous space as I can for my answer as the item referred to was given.

From the special counsel employed it would appear, as I have suspected all the time, that the matter is not one of prosecution in good faith. I also desire to say with respect to the Ad Club's investigating hundreds of advertisements throughout the city, and being successful in correcting a great many advertisements by calling the attention of the publisher to the advertiser, that this certainly was not true in my case.

No one ever called upon me or found fault with any of my ads. No one of the public was ever deceived by anything purchased at my store, or by any of my advertisements. No one of the public has ever made complaint except a stoopid person who tried to take advantage of a clerk in coaxing him to do an act which was against the rules of my store.

The laws of the states named in said article are not correct. There may be isolated cities in those states which have some city ordinance on the subject, but they are not of the kind or brand sought to be enforced in Portland. It is a case of the pot calling the kettle black. We all remember the stunt pulled off by the Portland Ad Club a year ago, this month when they marched from the Multnomah Hotel to a giant letterbox erected on Sixth street, just back of the central Post-office.

The crowd marched through our streets in "hot-weather attire," namely shirt sleeves, palm leaf fans and straw hats, in a driving snow storm, depositing thousands of letters to various people in the country, speaking of the wonderful warm climate in the Winter. "showing folks in other parts of the country who are by the moving pictures what can be done in Portland during the winter time." See daily Oregonian of January 20, 1916, page 2, column 1, and following editions.

That was about the biggest fake ever pulled off in Oregon, and there by a crowd of people who profess to be honest advertisers, whatever that may mean. Another stunt was pulled off by certain leading members and clique by having one of the issues of the Saturday Evening Post publish last month a present-day picture of the Portland harbor filled with ships when we all know as a matter of fact that few ships have been in the harbor since the war. An old picture had been used.

These and other stunts show the absolute lack of good faith on the part of the certain members temporarily in charge of the club and its alleged activities, and more than ever show that the so-called prosecution is not in good faith, but is furthered by a line of numbers of members who are competitors with me and my line of business.

The shirt-sleeve stunt was so raw that it was furthered by a line of numbers of members who are competitors with me and my line of business. The shirt-sleeve stunt was so raw that it was furthered by a line of numbers of members who are competitors with me and my line of business.

In the same mock trial, defending these "leading members" was one of the attorneys specially engaged to take a hand in the case against me, and which attorney at said mock trial admitted the charge.

It would be very interesting and educational to the public if they could read the testimony which I had taken down in shorthand at the time of the so-called hearing in the Police Court a few weeks ago, and which resulted in a disagreement, the majority of the jurors being with me, and two of the jurors voting guilty for the following reasons, one on account of race prejudice and the other that his employer

Read The Oregonian classified ads.

CODE ANALYZED BY ROAD COMMISSION

Proposal Is Considered Too Sweeping in Power Given to State Commission.

PRO-RATA COST DEMANDED

Measure Would Require Counties to Pay Share for Roads and Legislature Would Select Highways, Instead of Board.

Free discussion of the provisions of the proposed new road code provided by the Federal Government at the invitation of the Oregon Association of Counties and the State Highway Commission entered into yesterday by engineers, legislators, laymen and lawyers at the meeting of the Commonwealth conference at the Multnomah Hotel.

The code was considered by section and the joint committee from the Good Roads Congress and the County Judges' and Commissioners' Association noted objections taken and will codify the road laws according to the sentiment expressed.

The first article of the code considered yesterday contained definite and descriptive terms and was passed without objection.

Too Much Authority Feared.

The section that provided for the creation of a highway commission, composed of the state engineer as an ex-officio member and two others appointed by the governor, raised a storm of objection. Most of the objection centered in the fact that there would be elected and the other two appointed. The code provides, however, that the state engineer shall hereafter be appointed and not elected.

Most of those present seemed unwilling to invest the State Highway Commission with too great authority, trusting rather to the judgment of the State Legislature to settle mooted questions. The conference decided to allow the engineer to name the number and compensation of the employees of the Commission, but limited him in the expenditure of the fund, to a certain percentage of the total money named for road improvement.

Legislature Would Name Roads.

It was decided that it would be best to let the legislature instead of the State Highway Commission designate the state roads.

The Federal code provides that the highway engineer might approve state roads, which the counties did not wish to pay part of the construction cost, and build the roads entirely with state money.

Whether the best efficiency would obtain if the building of county roads were left in the hands of the county courts or with some competent engineering body, was a much-discussed question.

Evolution Traced.

Yesterday morning three important discussions, touching on many phases of road construction and maintenance, were taken up.

First, the building of county roads was taken up. The state engineer, who spoke on the "Highway as an Investment," pointed to the inefficient method first used by states in the construction of highways and gave figures showing the evolution of road building during the past 20 years.

By January 1, 1914, 1230 counties in the United States had bonded for a total amount of \$28,537,975. The first count of all annual highway expenditures was made in 1904 and showed that \$6,000,000 had been expended, one-fourth of which was the value of statute labor. The same count in 1909 showed an expenditure of \$16,000,000 and the last count made in 1915 showed an expenditure of approximately \$28,000,000.

Broader View Taken.

Highway expenditures have ceased to be strictly local character, said Dr. Hewes. "They have enormously increased, have tended to become more and more controlled by the state, by virtue of state control enabled the construction of more than twice the mileage of the famous National roads as to have been constructed by the states alone."

The need for grade elimination on all roads was voiced by Frank J. Miller, Public Service Commissioner. "States have done much to conserve their natural resources," said Mr. Miller, "but they have done not so much to conserve human life, the dearest and most important resource of any nation."

Grade Elimination Urged.

The increased speed of motor vehicles, the immensity of tolls to be traveled by automobile, the increased speed and the shortening of service of railroads has made the question of grade elimination one of the most important of safety first questions.

The ideal situation is to have grade elimination on all roads, but the present condition of the state would not warrant such action yet.

If roads warrant hard-surfacing or other permanent improvement, then they warrant grade elimination.

C. E. Spence, master of the State Grange, made a series of suggestions as to how the distribution of the expense of building and maintaining roads should be made.

He named as first in importance the district road. "The road that leads from the producing center to the market place is in my estimation the most important of all roads," said Mr. Spence.

Scenic Roads Rated Lowest.

"County roads are of next importance, then come state roads, and last, scenic roads."



Makes wonderful punch, ices, jellies!

-Crushed from big luscious Oregon Loganberries

-At your dealer's

10¢-up Recipe Booklet

goes is the best proportion. There are some districts that cannot afford to raise the 70 per cent that is now required.

"The county and the district should co-operate in the expenditure of what money is used for road construction."

"The development of the agricultural lands of the state is of paramount importance to the state as a whole, therefore the roads that tap agricultural communities should be first constructed."

"For raising sufficient funds for the construction of state roads, I would suggest that the present millage be doubled."

"The licensing of motor vehicles should be raised from \$5 even to \$25, and that money diverted to the road fund."

"Perhaps the best way for scenic roads to pay for themselves would be by the establishment of toll gates. Such a move would undoubtedly raise a cry that it would keep the tourists out of the state, so that plan might have to be modified."

"The man who is benefited by any road should bear a considerable expense of the burden of its construction. I believe that every man should be assessed on his own land when assessments for such improvements are made, and that a law should be enacted allowing the tax-paying body to buy his land, if it saw fit, at a 1 per cent increase over what he assessed it at. That would make the owner assess it fairly and would not reward dishonesty, as our present system does."

BLAST FATAL TO FARMER

John Swint, of New Era, Leaves Widow and Six Children.

OREGON CITY, Or., Jan. 4.—(Special.)—John Swint, 31, a farmer near New Era, was killed today while he was blasting stumps with dynamite. His body was blown 100 yards and over a fence. When he failed to return for supper, neighbors investigated and found the body.

Swint was a native of Russia. He is survived by a widow and six children. The ages of the children range from six months to 11 years.

JETTY WILL BE IMPROVED

Government Gives \$10,000 for Work on Structure at Vancouver.

VANCOUVER, Wash., Jan. 5.—(Special.)—W. P. Edwards and George McCoy, today interviewed Major Jewett, Engineer Corps, in Portland, and were informed that the War Department has authorized the expenditure of \$10,000 for the maintenance of the long jetty in the Port of Vancouver, a mile below the North Bank bridge.

This jetty was built nearly two years ago and was only partially filled with rock. With the present winter, the jetty will be filled with rock to the surface of the river. The work will be done during January and February.

The building of this jetty and another, has caused the river to deepen its own channel greatly.

for the time spent in coaching. He was 27 years old. His mother, of Los Angeles, Cal., and four sisters and three brothers survive him.

EX-FOOTBALL STAR DEAD

W. A. McAlmon, Graduate of Minnesota, Succumbs at 27 Years.

MINNEAPOLIS, Minn., Jan. 4.—(Special.)—W. A. McAlmon, former University of Minnesota football star and for the last two years coach of the Grinnell, Iowa, college football team, died here today tonight after a brief illness. Death was due to diabetes.

Since his graduation in 1914 Mr. McAlmon had practiced law here except

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Guarantees Quality and Perfection in Blending

JUNO COFFEE—A Splendid Coffee, constantly growing in popularity of drinkers of high-grade coffee. Regular price 35c per pound. SPECIAL, per pound.....29c Or 3 1/2 pounds for.....\$1.00

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M. J. B. COFFEE, 35c, each.....\$1.19

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