

CHOKING DESCRIBED BY BOY ON STAND

Stanley Tomlinson, Aged 7,
Says Breath Is Nearly
Cut Off at Times.

WILL ORMOND IS HELD

Woman and Boarder Testify That
Wells Are Caused by Accidents
and That Lad Is Wicked
Liar and Thief.

A bright youngster, with none of the superficial "smartness" which is found in many boys of his age, told a frank, straightforward story in the court of District Judge Bell yesterday, which resulted in the holding of Will Ormond to the grand jury on a charge of assault and battery.

Much of his evidence was contradicted. The welts on his back, the marks of fingers on his neck were accidental, or were caused by falls to the floor in struggling to escape a whipping with a razor strap, testified Ormond, who would only admit that a few of the obvious lash-marks had been caused by the strap he wielded.

"He choked me with both hands around my neck. I couldn't get my breath," said Stanley Tomlinson, the boy, aged 7 years.

Neighbor Hears Gasp.

"He strangled him until he sank to the ground several times. I could hear the child gasp for breath," testified Mrs. H. H. Dore, of 725 Vaughn street, a neighbor. She was corroborated by two little girls and a boy who had been playing nearby. This was supposed to have happened last Thursday in the yard of the home of Mrs. E. M. Soller, 732 Vaughn street, five hours later than the flashing of the lad in the bathroom of Mrs. Soller's home.

But Mrs. Soller, who is an aunt of the boy and who admitted delegating Ormond, who is a boarder at her home, to administer the punishment, said she did not see this choking, though she was looking from the kitchen window when it was supposed to have occurred.

Ormond declared the only punishment he gave the boy at that time was a severe lecture, and that he did not lay his hands on him.

The marks about the neck?

Effort to Stop Fall Reported.

Why, they must have been caused when Stanley slipped from my knees and I grabbed him about the neck to save him from hurting his face on the floor," explained Ormond. "He struck the floor just as I grabbed him and hurt his face in spite of my effort."

Charles Robinson, Deputy District Attorney, demanded to know how the child was held. Ormond demonstrated with the boy.

"Where did you grab him?" asked the prosecutor.

"Right here," replied Ormond, indicating the right side of the boy's neck. "Then how do you explain that the marks are on the left side of his neck?" demanded Mr. Robinson.

"Oh, why he must have struck the sharp corner of the floor," explained Ormond.

Woman Admits Beatings.

Ormond said one of the beatings on the lad's cheek was made when he fell to the floor this time. The bruise on the other cheek was made, he declared, by Mrs. Soller, in her attempt to correct the boy. He admitted that Mrs. Soller later admitted this, saying the lad had broken away from her when she tried to spank him last Wednesday and had fallen on the floor.

Stanley's mother died five years ago. His father, J. C. Tomlinson, placed him in the hands of his aunt about two years ago, that he might know something of a mother's care.

It seemed, from the testimony of Ormond and Mrs. Soller, that Stanley was an incorrigible rogue. He was a thief and a liar, and ran away from home. Mrs. Soller told of one time he ran away from home. He left early in the morning, met another boy and made some money putting in some people's wood. He returned home about 9 o'clock that day and would not tell where he had been. Mrs. Soller called a policeman to frighten the lad, and the boy told the policeman what he had done.

Gift Spent for Candy.

This was last Spring. There were other times, as he said, but did not have time to testify to them. When he got pennies to put in the collection plate at Sunday school, this little wretch sometimes spent them for candy.

And he told Mrs. Soller he had put them in the plate. He was a fearful little liar. His aunt found out about this not long ago. The boy told her that was why he didn't need any candy money.

"I buy candy with my Sabbath school money when I need it," he said.

The boy was a thief, too. His aunt one morning found 25 cents hid in the lad's slipper, under his bed. She demanded to know where he got it.

"I didn't always give you the change when I went to the grocery," she testified was the child's answer. "When you don't think about it, I like to keep it."

Theft Denied, but Boy Whipped.

The whippings last Thursday came from a particularly flagrant circumstance. It seemed a boarder named Smith had mislaid small sums from his change pocket. Stanley was accused of

SEVEN-YEAR-OLD LAD WHOSE BRUTAL PUNISHMENT CAUSED
HOLDING OF WILL ORMOND TO GRAND JURY YESTERDAY.



STANLEY TOMLINSON.

taking the money. The boy denied it. "He had the confused, guilty look that he had when he told stories," said Mrs. Soller. So she thought he needed a whipping and called Ormond. She is a large woman, and indignantly denied that she was not strong enough to correct the lad, but said that he squirmed so she found it difficult, so had authorized Ormond to do the punishing in the household.

Stanley was whipped. Well whipped, Ormond admitted. But not with malice, said Ormond.

After he had been whipped for a time, Stanley thought the best way to stop the punishment was to admit what the beating was intended to force him to admit—that he stole the money. He did.

Cuffing Follows Beating.

Asked what he had done with the money, he sobbed that he had buried it in the yard. He was told to dig it up. He went into the yard and tried with a piece of lath to dig up money he had not stolen nor hidden. This was in the afternoon, after Ormond had gone back to work.

Mrs. Soller thought the boy was not trying hard to recover the money and cuffed him a bit, her testimony admitted.

Ormond's attention was directed to the boy at his return from work, about 5:30 Thursday, Stanley began to cry. He said he had lied and that he didn't steal the money. He said money was at variance from there on. The boy and neighbors said he was choked almost senseless by the man. Ormond said he merely lectured the boy and gave him 50 cents to give to Mrs. Soller to settle matters, with the understanding that the money was only a loan.

Before leaving in the afternoon Ormond had called the boy and had told him that if he had not found the money by the time he returned in the evening he would whip him again, and harder.

"I tried to frighten Stanley, but I didn't really intend to whip him again," he testified.

In the previous whipping Ormond had made the lad that if he caught him lying he would whip him, said Ormond.

"I didn't know that Stanley had taken any money; I just wanted to impress on him that he must tell the truth," said Ormond.

Mr. Robinson took up the matter of the threat of Ormond on cross-examination.

"You told Stanley you were going to whip him when you returned if he had not found the money, but you had no intention of doing so," he asked.

"Yes," answered Ormond.

"Then you whipped the boy because you thought he lied, yet you had lied yourself to the boy when you left?"

Ormond Admits Lie.

Ormond's answer was confused, but virtually an admission that this was so. Stanley was the first witness for the prosecution.

"What happens to a boy who doesn't tell the truth?" asked Mr. Robinson.

"He gets whipped and scolded," replied the lad.

"What does God do to a boy who lies?"

"He punishes him." This satisfying Judge Bell that the boy could distinguish right from wrong, Stanley was sworn.

"Where is your mother?" he was asked.

"Dead."

"What does your papa do?"

"He hunts for work." The answer may have provoked a smile, but it was a sympathetic one.

The boy's story of the early evening episode follows:

"He sent me out two or three times to look for the money. I told him I couldn't find it; that I had told him a lie about burying it. Pretty soon he choked me and threw me around."

"He told me to tell the truth. I said I did it. He said if I was his boy he'd kill me."

Stanley went to school Friday, the day following the beating. He told his teacher that he received the evident bruises from a fall in his bathroom.

"Aunt Sally told me to tell teacher that," he testified. "Aunt Sally" said she told him no such thing, and that she had wanted the boy always to tell the truth.

The persons who had control of this little child far exceeded their privilege," declared Judge Bell. In giving his decision to hold Ormond to the grand jury, they had a right to correct the child, but not to exceed that which was tempered with kindness.

Though the charge on which Ormond was being held was assault and battery, Prosecutor Robinson said an effort would be made to have him indicted for the more serious offense of contributing to the delinquency of a minor, through the forcing of the boy to lie to escape punishment. Attorney Lynn B. Covert represented Ormond.

Stanley is now a ward of the Juvenile Court, and another home is to be found for him.

DIGGS-CAMINETTI CONVICTION UPHeld

Supreme Court Holds White
Slave Law Is Not Limited
to Commercial Vice.

WORDS OF ACT ARE CITED

Question Whether Door Is Opened
to Blackmail Declared for Con-
gress to Consider—Three
of Justices Dissent.

WASHINGTON, Jan. 15.—Interpreting the Mann "white slave" law, the supreme court today decided that prosecutions under the law for transporting women in interstate commerce are not limited to commercialized vice and include personal immoral escapades. Conviction of F. Drew Caminetti and Maury I. Diggs, of Sacramento, was affirmed. Following interpretation of the Mann act, the court also affirmed conviction of L. T. Hays, of Alva, Okla.

The court was divided. The majority opinion was given by Justice Day, Chief Justice White and Justices McKenna and Clark dissented. Justice McReynolds took no part in the consideration of the cases. The court, therefore, stood 5 to 3.

Plain Language Takes Precedence.

"The plain terms of the act must take precedence over the designation and the report that accompanied it to Congress," said Justice Day. "It is said it will open the door to blackmail, but that is to be considered by Congress. We think the power of Congress to regulate the transportation of passengers affords ample basis to exercise authority in the case of this statute."

"There is no ambiguity in the terms of this act. It is elementary that the meaning of a statute must in the first instance be sought in the language of the act as framed."

"To cause a woman to be transported for debauchery or for an immoral purpose would seem by the very statement of the facts to embrace transportation purposes denounced by the act. While such immoral purpose would be more culpable if accompanied by expectation of gain, such considerations do not prevent the lesser offense against morals from the execution of purposes within the meaning of the law."

Dissenting Opinion Filed.

The dissenting opinion filed by Justice McKenna, which was not read from the bench, held it was clearly the intent of Congress to reach only commercialized vice.

"Immoral is a very comprehensive term," the dissenting opinion said. "It will hardly be contended that in this sweeping sense it is used in the statute. There is no uncertainty as to the conduct it describes. It is commercialized vice; immoralities having a mercenary purpose. It is vice as a business at which the law is directed."

Any measure that protects the purity of women from assault or enticement or degradation, the dissenting opinion said, is in our best interests. But the judicial function cannot yield to emotion. It (the court) should not shut its eyes to what everybody knows. And everybody knows there is a difference between the occasional immoralities of men and women and the systematized and mercenary immorality epitomized in the statute's graphic phrase, "white slave traffic." And it was such immorality that was in the legislative mind and not the other. The other is occasional, not habitual, inconspicuous—does not offensively obtrude upon the public notice.

GIRL IS NOW DIGGS' WIFE

Men Will Not Begin Serving
Sentences for Perhaps 30 Days.

SAN FRANCISCO, Jan. 15.—F. Drew Caminetti, who, with Maury I. Diggs, lost the appeal to the United States Supreme Court today from a white slave conviction, is the son of Anthony Caminetti, Commissioner-General of Immigration of the United States. He is at present on a ranch in Amador County.

Diggs at present resides in Berkeley with his wife, who was Mary Warrington, the girl he took to Reno, Nev., with Caminetti and Lola Norris in March, 1913. Diggs married Marsha Warrington, a Sacramento girl, a year ago.

Throughout the prosecution of Diggs and Caminetti following a raid on their cottage in Reno, the case claimed National attention. Diggs was formerly state architect.

When Digs heard of the Supreme Court's adverse ruling he telephoned John W. Preston, United States District Attorney here, and said:

"I'm ready. When do you want me?"

Preston informed him that it would be 30 days probably before legal formalities had been completed.

"I'm glad of the delay. It will give me time to straighten out my affairs," said Digs.

BRITISH LOSE TRADE LEAD

United States Is Ahead in Argentina
in 1916, for First Time.

WASHINGTON, Jan. 15.—United States exporters in 1916 outsold for the first time British houses in competition for Argentina's foreign trade. Official Argentine estimates made public today.

NAVY PLANT IS ASKED

Daniels Explains Why He
Wants \$12,000,000 More.

SHIPS EXCEED COST LIMIT

Secretary Says Time Has Come
When There Should Be No In-
centive for Profit in War—Re-
ductions Are Obtained.

WASHINGTON, Jan. 15.—Secretary Daniels gave the House naval committee today details of his negotiations with private shipbuilders for the four battle cruisers, the result of which has led him to ask an additional appropriation of \$12,000,000 to equip Government yards to build them.

The hearing showed that the ships will exceed the \$16,500,000 limit for hull and machinery fixed by Congress and that they cannot be built under the present conditions at any price in less than 45 months.

Negotiations in Progress.

Negotiations are now in progress with the Newport News Shipbuilding Company, the Cramps and the New York Shipbuilding Company on the basis of \$14,535,000 for material and labor as submitted by the Newport News Company, plus \$4,500,000 to the Newport News Company and \$4,750,000 to the Cramps for overhead and profit. On that basis the department estimates the companies would make about \$1,500,000 on each ship net profit.

Urging the equipment of Government yards, Secretary Daniels said:

"The time has come when there should no longer be any incentive for profit in war preparations. The supreme thing for us to do is to make ready our own plans. I protest against the Government being held up and made to pay prices that have no relation to the cost of material and labor."

Government Should Build Third.

Secretary Daniels outlined his belief that the Government plants at eight-hour a day should be able to build one-third of everything the Navy needs from ships to shells.

When Digs, Assistant Secretary of Government, said that his recent negotiations with steel makers for reduction in prices had brought reduction from all companies. He added that the Bethlehem Steel Company was "the only one to use this fact for self advertisement." Other steel companies had in fact made greater reductions, he said, since their original quotations were lower.

It was estimated the cruisers would cost \$15,500,000 on the basis of the new quotations and Congress will be asked to authorize that expenditure.

Dr. Liebknecht Punished More.

LONDON, Jan. 15.—Dr. Karl Liebknecht, the German Socialist leader, has received an additional sentence of 4½ years at hard labor and expulsion from the Berlin bar, according to a Central News dispatch from Amsterdam today.

today and tomorrow

Soul-stirring, breath-taking, heart-throbbing drama in "And the Law Says"—a smashing camera-play of capital punishment. Drama starts at 11 A. M., 12:30 P. M., 2 P. M., 3:30 P. M., 5:00 P. M., 6:30 P. M., 8 P. M. and 9:30.

At The Star

Next Thursday—"Immediate Lee"

The Store for Men Washington & Fifth Sts.

Cold Weather Specials Offered Today at Exceptional Prices

Men's Flannelette Night Shirts, \$1.19—Very warm and of extra heavy quality. Large, full sizes. Good color assortment.

—Men's Flannelette Pajamas, \$1.25—Excellent fitting, fine quality, medium weight flannelette. Mercerized frog and pearl button trimmings. Most desirable colors.

—Men's Flannelette Night Shirts, 98c—Splendid garments in every way, heavy quality, full sizes, well finished, extra length.

—Men's Flannelette Pajamas, \$1.48—Just the thing for sleeping-porch wear; extra heavy, soft and warm.

—Men's Winter Union Suits, \$1.69—Natural merino, fine fitting, closed crotch. Heavy Winter weight; famous Jefferson make.

—Men's Jefferson Union Suits, \$1.49—Of half-bleached cotton, heavy weight; just the suits for men who can't wear wool.

—Men's Natural Merino Union Suits, \$1.35—Made on copper spring needle machines, very elastic, snug, warm and good fit.

—Men's Shirts and Drawers, \$1.19 Each—Natural gray merino, flat weave, medium weight. Drawers with suspender tapes. Shirts with French neck finish. All sizes.

—Men's Black Leather Gauntlets, \$1.49—A regular \$2.50 glove in every way. Has folding cuffs, made of good, pliable stock. All sizes, at the very exceptional sale price of \$1.49.

—Men's Heavy Wool-Lined Gloves, \$1.15—Just the thing for driving or outdoor wear. One-clasp wrist style.

—Men's Heavy Gray Mocha Gloves, \$2.00—With wool lining, long at wrist, one-clasp style, suitable for driving and motoring.

—Men's Wool Gloves, 35c, 59c, 65c, 75c to \$1.35—Soft lamb's wool and camel's hair gloves, in gray, navy and fancy mixtures. Finest, best qualities, lowest prices.

First Floor, Just Inside Washington-Street Entrance.

Sipman Wolfe & Co. Merchandise of Merit Only

lie today by the Department of Commerce show that during the first nine months of the year Argentine purchases in this country ran just \$100,000 ahead of purchases in Great Britain. Both were close to \$45,000,000.

In former years Great Britain was ahead by a wide margin, and that country still leads all other purchasers of Argentine goods.

Grange Officers Installed.

STONE, Or., Jan. 15.—The installation of the new officers in the Baker's Bridge Grange, No. 552, for 1917, took place Saturday evening at the regular January meeting. The following were installed by George Daines, master of Damascus Grange, No. 250: Master, Herbert Bergen; overseer, Frank Hutton; lecturer, Mrs. Ellis Burgen; secretary, Miss Anna Bachmann; chaplain, T. E. Brown; treasurer, Mrs. Rose Smith; steward, J. Grant Mumpower; assistant steward, James Willock; lady assistant, Mrs. Mattie Hutton; gatekeeper, Arthur Cliff; Ceres, Mrs. Mary Hutton; Pomona, Mrs. Mabel Dallas; Flora, Mrs. Ollie Crider.

Walsh Says Money Is Waiting.

WASHINGTON, Jan. 15.—Senator Walsh, advocating his waterpower leasing bill, told the Senate today that existing laws hindered waterpower development, and that he understood \$300,000,000 would be invested in business if the bill passed.

Suit or Overcoat
Tailored
to
Measure
\$18

While My Woolens Last
I'm Keeping Prices
Down in Portland!

You would pay me \$30 upward for clothes if I asked it; but as long as

I've Got the Goods!

which I bought before the rise, I'm going to protect you against unreasonable charges.

If I stand by you now, I know you'll stand by me always when normal market conditions shall prevail again.

Here's a Good Idea: Reserve the woolens for your Spring Suit now and get delivery of finished clothes when you want them.

Price Low, but Satisfaction Guaranteed

Ray Barkhurst
Portland's Leading Tailor Sixth at Stark St.

**MERCHANT
TAILOR**

What a pity
she doesn't know that
Resinol Soap
would clear her skin

"She would be a pretty girl, if it wasn't for that pimply, blotchy complexion!" But the regular use of Resinol Soap, used at first by a little Resinol Ointment, would probably make it clear, fresh and charming. If a poor skin is your handicap, begin using Resinol Soap and see how quickly it improves.

Resinol Soap and Resinol Ointment are sold by all druggists. For free samples, each, write to Dept. A-N, Resinol, Baltimore, Md.