

MURDER TRIAL OF MILLER CONCLUDED

Remarkable Speed Record Made by Prosecution.

SLAYING IS ADMITTED

Problems Before Jury is Whether Provocation was Sufficient to Justify Shooting.

In one of the shortest murder trials this county has known, all evidence against Thomas Miller, who shot and killed Guy R. Nelson November 23, was concluded shortly after noon yesterday and the defense rested at 4 o'clock. Final argument will be made this morning and the case should be in the hands of the jury by 10:30. Less than a day was devoted to testimony in the case, preparation on Wednesday having consisted only of selection of the jury.

That Miller killed Nelson is not disputed, the only problem before the jury being whether or not Miller's provocation was sufficient. Nelson, it is alleged, forced his way into Miller's home on the night of November 23 to take away his sister-in-law. He was shot and killed as he crossed the threshold of the front room. Miller declared Nelson struck him in the face and knocked him down and that the shot was fired when he was in fear of his life. The only eye-witness, Mrs. May Daley, denied the heavy blow, but said that Nelson slapped Miller lightly before the trigger was pulled.

Thomas Maguire, deputy district attorney, made the opening argument for the prosecution. He was followed by Morris Goldstein, attorney for Miller. Deputy District Attorney Hammerley will close this forenoon. Selection of the jury occupied Wednesday afternoon, but trial began yesterday morning.

Threat is Alleged. Mrs. Daley, whose company Miller desired so greatly on the night of the shooting that he threatened to kill her, if she came to the trial, and anyone who should attempt to take her from him, according to testimony of the prosecution's witnesses, had known Miller since late May and had been living at his home, 420 First street, as his housekeeper since June. She had spent the night before the slaying with Miller, Mrs. Ida Nelson, at 223 Lincoln street, but had returned to Miller's home Sunday morning, November 23.

The trouble began when she told Miller she desired to return to her sister's home that night, she testified. "He got mad and struck me," she said. "There was blood on my throat. He said, 'May Daley, you are not going to leave this house. I will kill you first.' Just then the telephone rang. It was my sister."

Commander Referred. "Tom then said, 'Guy Nelson is not going to take you away if he does come after you.' Soon there was a rap at the back door. This was about 11 o'clock that night. 'Who's there?' asked Tom. 'Ida,' replied my sister. 'Who's with you?' demanded Tom. 'Never mind who's with me; open that door,' came Mr. Nelson's voice. 'Open the door, Tom,' I said, but he took me by the arm and led me into the front room, his gun in one hand. Then he pointed his gun at the door and said, 'Now let 'em come. Anyone who comes through that door is going to get killed.' I screamed and said, 'Don't, Tom!' but he didn't pay any attention to me.

By that time Nelson was at the front door, and he shouted, 'Let me in or I'll bust down the door!' Then he came inside. I don't know whether he broke the door or not. As soon as he saw us—I was standing near Tom—he said, 'What are you doing to my sister?' and he slapped Tom. Tom then stepped back and shot Mr. Nelson."

On cross-examination by Attorney Maguire, Mrs. Daley admitted that Miller had been jealous of a man named Howard, who was a friend of Nelson's, but said she had always thought more of Miller. She testified that Nelson threatened to kill Miller as he forced his way through the door.

The testimony of Mrs. Daley was corroborated substantially by Mrs. Ida Nelson, her sister and wife of the slain man, Guy R. Nelson.

Miller is Small Man. Miller is a small man, scarcely more than five feet tall. Nelson was six feet and weighed about 160 pounds, said his widow.

Self-Defense Asserted. "I was afraid he would kill me. He said he was going to," was the defense offered by Miller on the witness stand.

Miller declared that he had had several altercations with Nelson about various things that were "traps of his life" every time he saw Nelson. The witness asserted that he was trying to protect Mrs. Daley as well as himself.

Greek Bootblack Amasses American Fortune. Horde of Dollars Earned in Shining Shoes Enables Louis Polalis of Eugene to Return to Native Land.

EUGENE, Or., Feb. 5.—(Special.)—Louis Polalis, a young Greek bootblack of this city, left yesterday for his native land. He accumulated a fortune of \$10,000 during his residence of a dozen years in the United States, most of which time was spent in Eugene shining shoes. He was first employed on a railroad section gang but the dollars piled up too slowly for him and he entered the shining business here. He has sold to his brother and another fellow-countryman.

LAZY BOYS AND GIRLS

Don't scold them—the chances are they are undernourished. They have plenty to eat, but not enough real food—the kind that builds bone, tissue and brain. Shredded Wheat Biscuit is all food. It is 100 per cent whole wheat, nothing wasted or thrown away. It is a food that gives strength and health to youngsters and grown-ups. A boon to mothers because so easy to serve. Two of these little loaves of baked wheat with hot milk make a nourishing meal.



ONE MORE SUIT BEGUN

COMPLAINT IN EQUITY FILED IN PITTOCK WILL CASE.

Mrs. Leadbetter Starts Action Against Executor and Trustee, Her Brother and 3 Sisters.

A new attack on the trust created by the Henry I. Pittock will was launched in the circuit court yesterday afternoon by Mrs. Caroline E. Leadbetter, taking the form of a complaint in equity which holds certain provisions made by the late Mr. Pittock to be contrary to public policy and void in the eyes of the law. It is explained that the new angle of attack is attempted, while a petition is pending adjudication in the probate court seeking to set aside the trust, to prevent the carrying out of the will's limitation. No allegations of undue influence or other matters requiring material proof are made in the new complaint, as in the will content, the basis of contention being legal points.

The action is brought by Mrs. Leadbetter against O. L. Price as executor and trustee, C. A. Morse as trustee, and the four other children of Mr. Pittock, Fred F. Pittock, Susan Emery, Kate Lockwood, Harbord and Louise Gantebain. The plaintiff asserts that she is heir and beneficial owner of an unvalued one-fifth interest in all the property in the \$2,000,000 estate.

The plaintiff contends that the attempt of the will to convey the property in trust for 20 years, to give unrestricted and unlimited discretion to the trustees either to accumulate the income and keep the estate intact or to sell the assets and distribute them is illegal because of alleged failure of the will to specify or designate the beneficiaries.

Mrs. Leadbetter further holds that by providing for the trustees to vote in favor of themselves as directors of The Oregonian Publishing Company for 20 years, venting the beneficial interest in the shares of stock in the heirs at law and next of kin and the voting power over said shares irrevocably for 20 years in the trustees, the will becomes invalidated.

Though it attempts to give an irrevocable power of attorney and proxy to the trustees to vote the shares for 20 years, it is contended that the voting trust was not for the purpose of carrying out any specific or certain plan for the conduct and management of the affairs of the corporation. Further, that the beneficial owners are deprived for 20 years of all power to direct the trustees, from exercising any judgment or rights in respect to the management of the corporation; that the provision hampers and interferes with the free exercise of the duties of officers and stockholders, and attempts to restrict the right for 20 years to vote the shares of stock regardless of the interests of the corporation, or the beneficial owners. This is held to be against public policy and the laws of Oregon.

The final contention is that if Mr. Pittock had realized the alleged illegality of such provisions he would not have executed the will. The complaint seeks to have the trust set aside and the will declared void. It is filed by Attorneys Cake & Cake of Portland, McCauley, Cotton & Franklin of New York.

Wool Growers Elect. KLAMATH FALLS, Or., Feb. 5.—(Special.)—The Klamath County Wool Growers' association has elected the following officers for the ensuing year: E. M. Hammond, president; M. P. Barry, vice-president; J. H. Carman, secretary.

Doty Boy Scouts Increase. CENTRALIA, Wash., Feb. 5.—(Special.)—The Boy Scouts, recently organized in Doty, have grown to three patrols. Clifton McKeggie, veteran of the world war, has been appointed assistant scoutmaster of the troop. An entertainment will be staged in Doty shortly under the joint auspices of the scouts and campfire girls.

GRAIN TRADE GETS CARS

R. H. Ashton Orders Preference From February 8 to 18.

SALEM, Or., Feb. 4.—(Special.)—Preference in supplying box cars over other classes of carriers for bulk handling of grain has been granted from February 8 to February 18, inclusive, according to a telegram received at the offices of the Oregon public service commission today from R. H. Ashton, regional director of railroads, with headquarters in Chicago. The telegram reads: "Because of the imperative necessity of greater movement of bulk grain the railroads serving the states of Illinois, Minnesota, Montana, Missouri, North Dakota, South Dakota, Nebraska, Oklahoma, Colorado, Wisconsin, Kansas, Arkansas and Texas will give preference and priority in the furnishing of box cars for bulk grain loading from February 8 to 18, inclusive. Next in line for moving are print paper, wood pulp, and sugar. This means that to the extent necessary to fill requirements, all available box car equipment suitable for the use of handling these commodities will be confined to this class of traffic. All officers, agents, and employees have been instructed as to the details of this order and asked to secure the full co-operation of grain dealers, farmers, commercial organizations, and others in order to secure the best results."

Apple Pancake Trifle. Slice and core cooking apples, slice in thin slices, and sprinkle with sugar and a little nutmeg. Put one spoonful Aunt Jemima Pancake batter on griddle, a slice of apple in center of that and cover with another spoonful batter. Cook a little longer than for plain pancakes. Serve with apple jelly.

Pancakes Metropolitan—with raisin sauce. Wash one-half cupful seedless raisins, soak over night in two cupfuls water. Add a grating of lemon peel and cook ten minutes. Drain and add to pancake mixture made from two cupfuls Aunt Jemima Pancake Flour and two cupfuls water. Bake in usual manner, and serve with raisin syrup, made by adding 3/4 cupful sugar and one level teaspoonful cornstarch to water in which raisins were soaked and boiling five minutes.

Pancakes with sausage—a la Reine. Roll well-seasoned sausage meat on a floured board until thin as pie crust. Cut into rounds slightly larger than pancakes and fry in a little bacon drippings until nicely browned. Put a slice of sausage between two freshly baked Aunt Jemima Pancakes, and serve with sausage gravy made by pouring one-half cupful thin cream in pan in which sausage was cooked and stirring until cream and meat gravy are well blended. Serve hot.

Novel ways to serve pancakes. Easily-made, delicious recipes for luncheon or dinner. Don't stop at serving pancakes simply with syrup, for breakfast! Try these delightful new variations—recipes so unusual, so "French" that they will make your luncheons famous, and your Sunday night supper-table the haunt of all your friends. They look and taste as though a chef had spent hours concocting them—and yet they are exceedingly easy to make.

GEMS STOLEN FROM MAIL

Pearls Worth \$26,000 Lost Between Paris and Madrid.

PARIS, Feb. 5.—(Special cable.)—Pearls worth more than 180,000 francs (\$26,000 normally) have disappeared mysteriously in the mails between Madrid and Paris, the Matin asserts. They were sent by registered mail to M. de Vries, a jeweler in the Rue Provencal.

When the box was opened it was found that one of the six packages it contained had been opened and pearl necklaces taken from it, and the box carefully wrapped up and sealed again.

More Pavement Wanted. CENTRALIA, Wash., Feb. 5.—(Special.)—Petitions are being circulated asking for the paving of West Second street from Lower avenue to J street and will be presented to the city commission when the required number of signatures of property owners are secured. It is not thought probable the work will be done this year.

Salvation Army Board Created. EUGENE, Or., Feb. 5.—(Special.)—A Salvation Army advisory board has been created in Eugene to investigate

"FLU" TAKES THREE LIVES

Most of Cases Reported, However, Are Only Mild.

Three deaths from influenza were reported yesterday to the city health bureau, although only one occurred in the city yesterday. The other two were several days ago. All of the cases reported with one exception

were light. In Grant county 50 new cases of the disease developed. Ninety cases were reported to the city health bureau yesterday with 52 releases. The total number of cases now in Portland is 576. Unlike the disease which prevailed a year ago, victims of influenza this year are recovering within three and four days.

Club to Elect Trustees. CHEHALIS, Wash., Feb. 15.—(Special.)—The Chehalis Citizens' club

Aunt Jemima Had to Mix Everything Herself!



Now—her famous recipe comes ready mixed!

Novel ways to serve pancakes

Easily-made, delicious recipes for luncheon or dinner

Don't stop at serving pancakes simply with syrup, for breakfast! Try these delightful new variations—recipes so unusual, so "French" that they will make your luncheons famous, and your Sunday night supper-table the haunt of all your friends. They look and taste as though a chef had spent hours concocting them—and yet they are exceedingly easy to make.

What a contrast between the old method of hand-mixing pancake batter and the present Aunt Jemima way! The ingredients were simple enough, but there were so many of them and so much mixing and measuring to do.

Nowadays—how easy it is! There's no fuss and bother at all—Aunt Jemima Pancake Flour has changed all that. A little of the flour—a little water—a moment's mixing—and your golden-brown pancakes are done almost as soon as you start! The flour is so rich it needs no eggs, the milk is already in it.

And since it is mixed exactly according to Aunt Jemima's recipe, your pancakes have that same rich flavor which won fame for Aunt Jemima all over the South.

Pancakes with sausage—a la Reine

Roll well-seasoned sausage meat on a floured board until thin as pie crust. Cut into rounds slightly larger than pancakes and fry in a little bacon drippings until nicely browned. Put a slice of sausage between two freshly baked Aunt Jemima Pancakes, and serve with sausage gravy made by pouring one-half cupful thin cream in pan in which sausage was cooked and stirring until cream and meat gravy are well blended. Serve hot.

Apple Pancake Trifle

Slice and core cooking apples, slice in thin slices, and sprinkle with sugar and a little nutmeg. Put one spoonful Aunt Jemima Pancake batter on griddle, a slice of apple in center of that and cover with another spoonful batter. Cook a little longer than for plain pancakes. Serve with apple jelly.

Pancakes Metropolitan—with raisin sauce

Wash one-half cupful seedless raisins, soak over night in two cupfuls water. Add a grating of lemon peel and cook ten minutes. Drain and add to pancake mixture made from two cupfuls Aunt Jemima Pancake Flour and two cupfuls water. Bake in usual manner, and serve with raisin syrup, made by adding 3/4 cupful sugar and one level teaspoonful cornstarch to water in which raisins were soaked and boiling five minutes.



A delicious buckwheat cake flour is also made by the Aunt Jemima people. Ask for it.

Look on the top of the package to see how to get the Jolly Aunt Jemima Rag Doll Family.



"Use in town, if ones!"

Aunt Jemima Pancakes with syrup or sausage gravy! Nary a speck of precious sugar! What an easy and delicious solution of the sugar-saving problem!



SOME GOOD GROCERIES SPECIALS FOR WEEK-END

- SPINACH AT A LOW PRICE. Spinach, Del Monte, 2 doz. in case, \$3.25; doz., \$1.65; ea. 15c. Loganberry juice, 8 oz. bottle 35c; 12 oz. bottle 45c; 2 doz. in case, \$6.14; doz., \$3.07; ea. 25c. TOMATOES AT A LOW PRICE. Tomatoes, Pyle's Clearbrook brand, 2 doz. in case, per case \$3.25; doz., \$1.65; ea. 15c. BUTTER AND EGGS. Gold Seal Brand Fancy Creamery Butter, 2 lb. \$1.32; 4 lb. \$2.50. TABLE NEW ORLEANS MOLASSES (Price our Java Table New Orleans raw crop, in bulk, 1 gal., \$2.50; 1/2 gal., \$1.25; 1/4 gal., 62c). Cluster Raisins, 15 cartons, \$1.50; Cluster Raisins, 25 cartons, \$2.50. MALT VINEGAR, 2 lb. cans, 50c; 3 lb. cans, 60c; 5 lb. cans, 80c. M. J. B. Tea, Japan, 1 lb. 40c; 2 lb. 75c; 4 lb. 1.25; 8 lb. 2.25. Pop Corn, per lb., 10c. DRIED FRUIT AND RAISINS. Dried Peaches, per lb., 25c; California Currants, per lb., 30c.

D. C. BURNS COMPANY 208-210 Third Street, Between Taylor and Salmon Special Mail Order Service—Write for Monthly Price List—Largest Greater Portland Association—Wholesalers to Private Families, Hotels and Restaurants—Phone Main 616, 516-25.

Better Bread Facts

No. 5 Keeping Qualities. Our bread will keep longer than other makes because of the excellence of the ingredients and the scientific handling of every process from the testing and measuring of each element to the careful wrapping of the finished loaf. It is pure, wholesome and clean. The Wrappers are good for votes in the National Promotion Co.'s \$12,000 Prize Contest. Small wrappers, 110 votes; large wrappers, 150 votes. Log Cabin Baking Co. Bakers of Holsum and American-Maid Bread.

Carstens & Earles of Seattle the \$500,000 issue of state highway notes recently authorized by the state board of examiners to finance the state highway work this year. The issue went at par for 5 per cent.

Idaho Road Bonds Sold. BOISE, Idaho, Feb. 5.—(Special.)—State Treasurer Eagleton has sold to



Automatic Keeps On Washing. While the busy housewife prepares the dinner or performs other necessary household tasks, the Automatic Electric Washer hums right along, washing every article of apparel spotlessly clean. Once the clothes are put in the suds and the washer lid's clamped down, the Automatic needs no further attention. In seven minutes the Automatic washes a tubful—without rubbing and without injury. The Automatic is the most simple, dependable and economically priced washer made. Has the fewest possible number of operating parts; nothing to break; nothing to get out of order. Your dealer will gladly demonstrate it. Fobes Supply Co. Distributors—Portland, Oregon.



GUITTARD The Pure CHOCOLATE GROUND OR CAKE