

Morning Oregonian



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FREEDOM IN SIGHT FOR HENRY ALBERS

Government Confesses Error Made in Trial.

DISMISSAL SOON EXPECTED

Conviction Won Improperly, Is Admission.

SUPREME COURT TO ACT

Defendant in State of "Maudlin Drunkenness" When He Predicted Germany Would Win.

THE OREGONIAN NEWS BUREAU, Washington, D. C., April 27.—Henry Albers, wealthy Portland miller convicted in United States court at Portland in the spring of 1919 on a charge of having violated the espionage act, is in a fair way to go free as a result of the action of the government today in confessing error in the trial of the case.

The next step in the case will be for the supreme court to remand it to the lower court at Portland. It is understood that dismissal at the instance of the government will follow soon thereafter.

Mr. Albers, after being found guilty, was sentenced to three years' imprisonment at McNeil's Island and fined \$10,000. The case was taken to the court of appeals, which refused to reverse the lower court, whereupon it was brought to the United States supreme court on a writ of review.

Conviction Held Improper.

The contention raised by Charles H. Carey of counsel for Albers was that the defendant had been improperly convicted in that evidence was admitted in the trial as to statements made by the accused three or four years prior to the date of the alleged crime for which he was tried, which was October 8, 1917, at a time before this country entered the war and before the espionage act had been enacted. The court in trying the case admitted such evidence on the theory that it might indicate an intent to commit the crime, but defendant's counsel contended that this was too remote.

These questions were raised in a brief filed in the United States supreme court by Judge Carey more than a month ago. After examining the briefs the department of justice decided not to answer, but to confess error instead.

Talk Inspired by Liquor.

Evidence produced at his trial proved that Albers, who was of German descent, was in a state of "maudlin drunkenness" when he made statements commending the German army and predicting its victory, upon which the indictment against him was based.

NOT ENDED, SAY HUMPHREYS

Albers to Be Prosecuted Again, Barring Adverse Orders.

"We are going to prosecute Henry Albers again, unless we receive orders to the contrary from the attorney-general," Lester W. Humphreys, United States attorney, announced last night. "The case is by no means finished as far as we are concerned. The decision of the supreme court merely remands it back to the lower court on error."

In spite of the decision of the federal attorney for Oregon, it is not expected that Albers will again have to stand trial. Instructions from Washington for dismissal of the case are expected.

Through the action yesterday of Solicitor-General Frierson in confessing error in the case, the supreme court reversed the decision rendered in the United States court for the district of Oregon and in the circuit court of appeals at San Francisco.

The sentence of three years in the federal prison at McNeil's island, and a fine of \$10,000, imposed on the millman by Judge Bean, were automatically revoked by the decision of the supreme court.

Albers was convicted of violating the espionage act by a federal jury in February, 1919, after a sensational trial. He was charged with making seditious utterances while traveling on a train from San Francisco to Portland. A department of justice agent overheard his remarks, and the investigation which resulted in his indictment and conviction followed.

Local federal officials and former prosecuting officers were plainly disappointed at the decision of the supreme court. The error was confessed by the attorney-general, in that evidence was admitted as to statements made prior to the date of the alleged crime, before the country was at war and before the espionage act was passed.

All those contentions were raised at the trial," said Bert E. Haney, United States attorney, "and the chief prosecutor of Albers, Judge Bean ruled that the evidence was admissible. At the hearing of the motion for a new trial the same question was raised and a similar ruling by the judge followed. Before the United States circuit court of appeals this question was argued and Judge Bean's ruling was upheld.

"In all the cases tried here under

"ENEMY" FLEET SUNK BY AMERICAN GOBS

SAILORS RIDDLE TARGET IN SAN PEDRO MANEUVERS.

BREAK IN MARINE SESSION AVERTED

Union Leader Pleads for Negotiations.

BENSON STANDS FOR CUT

Admiral Declares Government Will Not Recede.

SHIP OWNERS ARE FIRM

Reduction in Amount of Overtime Approved, but Men Object to Lowering of Pay.

WASHINGTON, D. C., April 27.—A final break between ship owners and marine workers was narrowly averted at the conference called today by Chairman Benson of the shipping board, in an effort to prevent a threatened strike on May 1, when existing wage agreements expire.

An appeal by Andrew Furuseth, president of the International Seamen's union, resulted in an agreement for further conferences Friday.

The delay was sought so proposals of Chairman Benson for a 15 per cent wage reduction and changes in working conditions afloat might be laid before the unions, but admittedly the outlook for an agreement was not bright.

Benson Remains Firm.

Admiral Benson said he would not recede from the outline of reductions he had presented as necessary to the merchant marine.

W. S. Brown, for the Marine Engineers' beneficial association, flatly rejected the proposed wage reduction.

W. A. Thompson, representing the American Steamship Owners' association, said that unless the unions were prepared to negotiate a new wage scale, further conferences would be useless.

Apparently Mr. Furuseth's action in urging another meeting after submission of Chairman Benson's statement to union members alone averted an immediate breaking off of the negotiations.

Plea for Delay Wins.

When Admiral Benson's declaration that he would not trade on his wage proposals had brought a climax, Mr. Furuseth made a plea for delay and won the consent of the conferees to another session.

Mr. Furuseth warned ship owners that he alone had more proposals to offer, should a break come, that he hoped he would not be called upon to present. If that could not be avoided, he added, "let the chips fall where they may."

Replying to Chairman Benson's proposition to the unions, he said:

GIRL'S PET DOG BARS LINER FROM LANDING

ANIMAL MUST DIE, SAY PORT OFFICIALS; MAID SAYS NO.

BLOW OF GOLF CLUB KILLS CHUM AT PLAY

LYLE MCINTYRE, 10, DIES FROM FRACTURED SKULL.

COURT HEARS ECHO OF LOVE NOW DEAD

Mrs. Stokes Tells of Her Cooling Affection.

LETTERS TO HUSBAND READ

Effort to Keep Place Made Constantly, Says Wife.

MONEY OBJECT DENIED

Witness, Defiant, Declares She Was More True to Stokes Than He Was to Her.

CO-EDS BANNED BY CLUB

"Non-Steppers" Society Organized at University of Minnesota.

MASTER'S DEATH MOURNED

Albany Man Who Endured Poverty for Animal Succumbs.

HARDING TO HOLD REVIEW

Atlantic Division of Fleet Will Parade Before President.

THIRSTY CROWD HELD

Through Driven Back When Beer Is Dumped in Sewer.

WAREHOUSE DEAL CLOSED

Local Grain Company Leases Line of Interior Plants.

JAPANESE DISCUSS YAP

Foreign Minister Reports to Privy Council on Mandates.

MISS GENTLE WEDS AGAIN

Singer's Marriage to ex-Oregon Man Takes Place Today.

PARAGUAY FILES PROTEST

Government Objects to Bolivian Border Garrison.

MONTEVIDEO, Uruguay, April 27.—Refusal of an American girl on board the shipping board steamer Aeolus, operated by the Munson line, to abandon her dog to the unfriendly hands of the Uruguayan health officials prevented the liner tying up at the wharf on its arrival today and led to the prospect of the steamer being forced to discharge its cargo in the outer harbor.

When the sanitary officials discovered the dog they ordered the animal killed in accordance with quarantine regulations.

The girl refused to allow her pet to be confined to death, choosing to remain on board the vessel and return to New York. Thereupon the authorities refused to allow the steamer to dock.

The owner of the dog is Miss Muriel Cornell of New York.

"I would rather you would kill me than that dog," she said to the inspectors.

The Munson line agents were told that if the dog was not killed the vessel would have to leave port within 24 hours, but finally they agreed that the vessel could remain the usual time on condition that the animal was confined to a room and kept under a sanitary guard.

Miss Cornell says that unless the authorities relent she will give up her plans for a pleasure trip and return to New York on the ship on May 4.

The cargo and passengers of the Aeolus are being transferred to another vessel for landing.

BAKER, Or., April 27.—(Special.)—After being struck on the forehead by a golf club in the hands of Frederick Rasche, 14, a chum, Lyle McIntyre, 10, died here late this afternoon, following an operation at a local hospital. The accident took place last night when the boys were playing on the lawn.

Lyle returned to his home and aside from a headache his condition seemed normal. This morning he was found unconscious by his parents, Principal and Mrs. McIntyre of Baker high school. After he had stepped from his bedroom, he screamed and fell backward. He was taken to a hospital here. A portion of the skull and a quantity of blood were removed from the brain, in an effort to save the boy's life. He did not regain consciousness.

The McIntyres have been here a year, coming from McMinnville, where Lyle was born. Funeral arrangements have not been made.

MINNEAPOLIS, Minn., April 27.—An organization, the by-laws of which prohibit its members calling on a girl before the close of the present quarter, has been formed by University of Minnesota students under the caption, "The Non-Steppers' club." Each member is required to deposit \$10 as a guarantee of good faith. Violation of the rule regarding "calling" carries a forfeiture of the deposit and expulsion.

"We think a great deal of our co-eds, but feel that when the quarter is over we will be able to exhibit these bank rolls, good marks and a record of complete independence," said Hal Redmond, treasurer.

WASHINGTON, D. C., April 27.—(Special.)—The dog which William H. Moorehouse refused to desert in order to gain a comfortable home for his declining years has been left disconsolate, for Moorehouse died this morning. The friendship of the old man and his dog was proverbial in Albany.

A few years ago Moorehouse, aged and in poor health, applied to the county for aid, and was sent to the county farm, near this city. He took his dog along. The superintendent refused to permit the dog to stay, so Moorehouse returned to Albany with the dog. After that he received county aid and did such odd jobs as his health permitted. At different times he was urged by county officers to go to the farm, where he would be well cared for and not have to "bach" in discomfort, but always he stayed with the dog.

WASHINGTON, D. C., April 27.—(Special.)—Minting of 2 1/2-cent piece provided for in House measure.

WASHINGTON, D. C., April 27.—Coinage of a 2 1/2-cent piece, bearing the likeness of Theodore Roosevelt, with the date of his birth and death, was provided for in a bill introduced in the house today.

NEW YORK, April 27.—(Special.)—Crouched in the witness chair, blue eyes set defiantly, lips drawn, this chin lifted defiantly—this was Mrs. Helen Elwood Stokes under the first day of cross-examination. She was fighting, striking out blindly at her accusers. Her voice was cold, hard, even shrill. Her cheeks were flushed, not with embarrassment, but anger.

All of today's proceedings simmer down to this: Her verbal story of cruelty, supplemented by her diary, in placed against love letters written to the man she now hates. She was compelled to reconcile the grim picture of the previous days with gushing endearments scribbled, so the husband contends, at the time she has set her story of suffering.

She did it, after a fashion. She wanted "peace" and she loved him, loved him until the day of the trial—just a little bit. Yet she was sorry she married him. But the letters would prove she did not marry for money. She was true to him. So she continued, never admitting defeat, seizing every opportunity to defend her name and to accuse her husband.

Probably the atmosphere of the day is best conveyed in that moment when Herbert Smyth, for W. E. D. Stokes, asked her to hurry in her reading of the diary. Her chin quivered as she snatched: "I have two babies in Denver, Mr. Smyth. I have been waiting and fighting for three and a half years to have them (her voice was harsh). I shall not hurry now."

Stokes Buries His Face.

For once Mr. Stokes neglected his vigil and took but few notes. During the reading of the love letters he slumped in his chair, burying his face in his hands. He seemed old and tired. A black skull cap was worn, giving him an almost biblical dignity not manifest before.

Mr. Stokes did not smile when his lawyer shot brilliant questions at the young wife, but frequently he started, his eyes blinking. Only rarely did he consult his lawyers and when he did it was without the eagerness of the past, almost pathetically, and when Justice Finch rebuked Mrs. Stokes for her volubility he gave no sign that he had heard.

Mr. Smith's method of attack caused Mrs. Stokes first to read her diary. There were such items: "Will smashed dishes at breakfast. Another scene with Will. I made great mistake in marrying him. Trouble again. Simply cannot stand Will and Tom's (the brother) abuse. Will frightened me again. How sorry I am married."

First of missives out of the past was read by Mr. Smyth, with rhetorical emphasis of its intimate passages. Mrs. Stokes fidgeted in her chair as he continued.

Loneliness Told in Letter.

"I am just jumping into my lonely bed," she heard, "and I just can't help writing a line to you. This is my first letter and I doubt if you will find time to translate it, but I want you to know that your little wife loves you more every second of the day even if she is cross now and then. I miss you whole heaps more than you know."

"You loved your husband at the time this was written?"

"Yes, I did (there was finally in her tones) and that letter should contradict the statement that I married him for money."

There was entry in her diary that she was "amused" at a "scene with Will."

"So you were amused?" queried Mr. Smyth, rolling the words with emphasis.

"I was amused and fearful at the same time. That's if you're able to see what I mean."

Love Declared Ebbing.

Then came a series of direct questions. This is the way she met them: "Were you in love with your husband in 1917?"

"Not as much as in 1911."

"Not as much?"

"Yes, my love was growing colder and colder, until now I haven't any at all, if you'd like to know."

"Did he treat you cruelly in 1917?"

"He treated me cruelly."

Mr. Smyth waved a letter she had written, another beginning with: "Will, dear: This is just to let you know that I am thinking of you and love you more all the time. Millions of love and kisses."

"Did you lie when you wrote this?" asked Mr. Smyth. He asked the same question with the reading of other letters, even more effusively.

No, she did not lie, but she mumbled

Colonel Dunne Assigned to Reach Agreement; Two Expositions Held Impracticable.

THE OREGONIAN NEWS BUREAU, Washington, D. C., April 27.—Plans for the Portland exposition to be held in 1925, being carried on here by Colonel D. M. Dunne of Portland and W. P. Hawley of Oregon City, encountered a snag today with the discovery that arrangements are still under way in Boston to hold an exposition there the same year. Senator McNary learned from Senator Walsh of Massachusetts, that a legislative hearing was held in Boston yesterday and it was decided today that Colonel Dunne should go to Boston tonight and ascertain if it is possible to set some agreement to remove the conflict between the two fairs. A telegram was sent today to Edgar B. Piper, editor of The Oregonian, who is in New York, asking his aid in avoiding the conflict because two world fairs in one year are regarded as impracticable.

Postmaster-General Hays has agreed to have specially designed postage stamps advertising the Portland fair printed just as soon as the McNary resolution to invite foreign governments is adopted by the senate. Colonel Dunne and Mr. Hawley were presented to the president by Senator McNary today.

An active and aggressive campaign has been under way for some time by the sponsors of the Atlantic-Pacific Highways and Electrical exposition to persuade the people of Boston to change the date of their proposed exposition, according to Julius L. Meier, chairman of the board of directors of the 1925 fair.

"I have been in telegraphic communication with E. K. Loreet of Boston, chairman of the Bicentenary committee," said Mr. Meier last night. "In answer to a telegram of my own, I received a telegram from him yesterday, informing me that a bill has been prepared to lay before the next Massachusetts assembly containing plans for a fair in 1925. Immediately upon receipt of this telegram, I telegraphed to E. B. Piper in New York city, and to Colonel Dunne in Washington, instructing Colonel Dunne to join with Mr. Piper for a conference with representatives of Boston to be held in that city on Friday."

Mr. Meier is a prominent citizen of Boston, and through the good offices of Senators McNary of Oregon and Walsh of Massachusetts.

"In addition to all this, the chambers of commerce of San Francisco and Los Angeles have telegraphed to both Washington and Boston, explaining the priority in date of the Portland fair, and the fact that arrangements for the Portland exposition have been under way for several months, and that we are about ready to publish the fact to the world."

Earthquake at Watsonville Lasts Two Minutes.

WATSONVILLE, Cal., April 27.—An earthquake shock was felt here tonight. The tremors occurred at 8 o'clock and lasted for two minutes. The quakes were felt within a radius of 15 miles. No damage was reported.

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Pacific Coast League results: at Portland-Sacramento game called at end of fourth inning; at Los Angeles & San Francisco 9; at Seattle-Salt Lake game postponed; at San Francisco, Vernon 4, Oakland 2. Page 10.

American golf team may include Douglas Grant. Page 10.

Cross and German in conflict tonight. Page 10.

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BOSTON STILL TRYING TO LAND 1925 FAIR

PORTLAND COMMITTEE SEEKS TO IRON OUT CONFLICT.

BILL FOR DAMAGES IS 33 BILLIONS

Additional Reparations Demanded of Germany.

FINES OF CITIES INCLUDED

Wrecking of Towns, Pensions, Cruelty Account for Costs.

BERLIN OFFER SPURNED

French Declare That Indemnity Proposal Is Below What Is Considered Necessary.

(By the Associated Press.)

PARIS, April 27.—The reparations commission has fixed 12,000,000,000 gold marks (\$23,000,000,000) as the total damages for which reparation is due by Germany under article 23, second paragraph, and annex 1, part 8, of the treaty of Versailles.

The commission's decision was officially communicated to Dr. von Oetzen of the German war burdens committee tonight.

In fixing the total, the reparations commission made necessary deductions from the amount of the damages in order to allow for restitutions, effected or to be effected, in the execution of article 238, and consequently no credit will be allowed Germany with respect to such restitutions. The commission did not include the further obligations incumbent upon Germany by virtue of article 232, "to make reimbursement of all sums Belgium borrowed from the allied and associate governments up to November 11, 1918, together with interest at the rate of 5 per cent."

The action of the reparations commission is in accordance with the provision that findings of the commission as to the amount of damage done to the civilian populations of the allies and associated powers and their property during the belligerency of each must be communicated to the German government on or before May 1, 1921.

According to the treaty Germany undertakes to meet this obligation. Included in categories for which compensation is demanded are damages offered from bombardments, cruelty, violence or maltreatment; all pensions to naval and military victims; the cost of assistance by the allied powers to prisoners of war and their families and dependents; allowances for similar purposes, and all levies, fines and other exactions imposed by Germany and her allies upon civilian populations.

Terms Held Impossible.

Jean Jules Jeanneney, French ambassador to the United States, has been informed by the French government that the German reparations proposals, as transmitted to the Washington government, are absolutely unacceptable. The French point of view is that these proposals, instead of making any advance toward satisfactory settlement of the reparations questions, are rather a step backward.

Officials here were reticent this morning regarding the German proposals but in political circles close to the premier there was a belief that the Ruhr region of Germany would be occupied immediately after May 1.

Payment Is Ignored.

Germany's proposals are entirely insufficient, it is declared in authoritative circles, being at least 100,000,000,000 marks below the terms fixed by the supreme allied council last January. The demand decided upon at that time has been considered as a minimum, amounting to approximately 226,000,000,000 marks with the addition of an undetermined sum equal to 12 per cent of German exports.

In discussing the German terms, it is said in well-informed circles that in offering an installment of one billion gold marks, Germany made no mention of the 12,000,000,000 marks held by the allies to be payable before May 1. Germany also asks the abandonment of all penalties. As action is made that should Germany be exonerated of all other reparations obligations, she would be given an advantage rather than would accrue to the allies from her future payments.

Differences Declared Little.

The German embassy here has issued a lengthy statement explaining Germany's reparations offer. It said that the difference between the sum offered in Berlin's last proposal of 200,000,000,000 gold marks and the 226,000,000,000 gold marks under the Paris terms is "but small."

The statement also said with regard to the conditions relating to the suppression of penalties that "it apparently means the penalties decided upon at the London conference should be canceled, but certainly not that the territories occupied by virtue of the peace treaty should be evacuated."

LONDON, April 27.—The German labor leaders, Peter Grassman, Wilhelm Dittmann, Otto Hoes and Herr Silberschmidt, have left Berlin for London to discuss questions regarding reparations and reconstruction of

THANK GOODNESS, THE PLUMBER BROUGHT HIS TOOLS ALONG THIS TIME!



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