LAWYER SHOT DEAD BY WIFE ON STREET

Woman, Freed by Lunacy Board, Faces Murder Charge.

HUNDREDS SEE SHOOTING

Hate of Los Angeles Clubman Figures in Horsewhipping Case and Once Sued Husband.

NEW ORLEANS, La., May 7.—Mrs. Frederick R. Levee of Los Angeles, who killed her husband on a crowded street today, was held without bail to appear for her arraignment in criminal court. Further investigation by the police today disclosed that Levee instituted divorce proceedings, alleging that during May, 1920, his wife shot and dangerously wounded him at Los Angeles. The suit was filed here where Levee had decided to make his home.

Levee, who changed his name from Levy, was a native of Texas and a graduate of the law school of the University of Texas.

After the shooting Mrs. Levee told the police, they said, that a Filipino dancer had been the recipient of undue attentions from her husband.

Hundreds Witness Shooting.

The shooting was witnessed by hundreds of persons. Mrs. Levee, after a few minutes' conversation with her husband, drew a pistol as he turned to walk away and shot him in the back, according to the police report.

LOS ANGELES, Cal., May 7.—The marital troubles of Frederick R. Levee, Los Angeles attorney and clubman, and his wife, Mrs. Matilda Levee, who shot and killed him in New Orleans today, have been recounted in the newspapers here at various times in the last two years.

Publicity was first given their affairs when Mrs. Levee publicly horsewhipped a woman in one of the leading Los Angeles hotels. The last published account of their troubles came only a few months ago, when Mrs. Levee was freed from a charge of insanity after a hearing before the lunacy commission and admonished by the presiding judge to "cease her violent tactics and leave her husband alone."

Husband Is Sued.

At the time of the horsewhipping episode Mrs. Levee was said also to have beaten still another woman and to have shot her husband in the arm.

She followed this with the filing of a suit for separate maintenance, charging Levee with infedility and with squandering her money on the entertainment of other women. She asserted she had furnished the funds to send him through law school and to obtain for him membership in a number of leading clubs.

ALBERS FIGHT GOES ON

(Continued From First Page.)

courts of the same rank in other circuits.

Grounds Are Reviewed.

"The petition for a writ of certiorari, as shown by the printed copy filed, relied for its first three grounds upon the following:

"First—Because there is a conflict between the decision of the court of appeals, ninth circuit, and of the seventh circuit.

"Second—Because there is in like manner a conflict between the decision of the circuit court of appeals, ninth circuit, and those . . . of the seventh and eighth circuits.

"Third—Because there is a conflict in the decision of the circuit court of appeals, ninth circuit, and that of the circuit court of appeals, fourth circuit.

"Further, in the petition, page 8, it is said: 'In the interest of jurisprudence and uniformity of decision the questions submitted are of gravity and of general importance, and are of general interest to the public.'

"Again, at page 21, it is said: 'As matters now stand, a person may be tried and acquitted in one circuit upon a state of facts and under a rule as to the admissibility of other statements that would sustain his conviction if he were tried upon similar conditions in another circuit. A considerable number of espionage cases are still pending, and we believe the question is one of general importance that should be speedily determined.'

Opening of Case Cited.

"After the writ had been granted, in the petitioner's brief filed in court, the opening statement of the case begins with these words: 'A writ of certiorari was granted in the interest of jurisprudence and uniformity of decisions, there being an apparent conflict of decision in the several circuits relating to the admissibility of evidence of other statements.'

"The argument opens with the statement that: 'There is a lack of harmony in the decisions upon this subject,' and then follows a resume of the decisions in the several circuits.

"In order that the supreme court might have the authority to receive this apparent conflict, the writ was granted.

"Ordinarily, of course, the decision of the circuit court of appeals in a case of this sort is final. The case had no standing in the supreme court except to enable that court to resolve the conflict referred to. That conflict is still unsettled. The ruling of the circuit court of appeals in the Albers case is still the law for all district courts in the ninth circuit. No ruling has been made reversing that decision by any court having power under the law so to do.

"Should the present situation be allowed to stand and the case go back to the district court for retrial, the criticised evidence would still be admissible under the rulings of the circuit court of appeals. This is an intolerable situation and ought not to be allowed to stand, merely because the solicitor-general has his own opinion as to the correctness of the ruling of the circuit court of appeals. The supreme court may or may not agree with the solicitor-general, but the supreme court alone can make an authoritative and binding ruling.

"These circumstances seem to us to constitute a case calling for the exercise by the supreme court of its discretion to allow the appearance of an amicus curiae if the solicitor-general is unwilling to appear on behalf of the government. Furthermore, it must not be overlooked that the action of the solicitor-general in thus assuming to set aside and hold for naught the decision of the circuit court of appeals for the ninth circuit is a distinct and almost contemptuous rebuff to a court which is for most purposes to those within the territorial limits of the ninth circuit, the federal court of last resort.

Precedent Is Claimed

"Furthermore, not only has the department of justice assumed to decide for the supreme court between the conflicting rulings alluded to, but it also appears from the telegrams received from you quoting the department of justice, and telegrams received by us directly from the department of justice, that the solicitor general has been influenced in his conclusion by a consideration of facts exclusively within the jurisdiction of the jury which tried the defendent.

"For the foregoing reasons, we submit that if precedent is asked, precedent exists for the granting of leave to appear as amicus curiae, notwithstanding the decision heretofore made, which, of course, is still within the control of the court, and that even if there were no precedent the court is capable and has the right and power to create a precedent, if, within its discretion, it deems it justified by the circumstances, and we submit that the circumstances of this case, its unusual character and the unusual attitude of the department of justice constitute circumstances calling for the exercise of that discretion by the court.

Charles H. Carey of counsel for Albers, in an interview with him published in The Oregonian of this date, is quoted, as follows: 'I am as much disappointed in the confession of error by the solicitor-general as anyone could possibly be, and I will be glad to unite with the district attorney and the representatives of the bar association in having the case reinstated in the supreme court.'

"We think that if this attitude of counsel for Albers is suggested to the court, and the unusual circumstances of this case presented to the court, it will be deemed an occasion calling for the exercise of the court's discretion to recall the case and hear further argument.

"We enclose to you herewith, for your information, a copy of a letter sent to Hon. H. M. Daugherty, attorney-general. Regarding the letter to Mr. Daugherty as rather in the nature of a letter from one lawyer to another, and an explanation more in detail of the position taken in our telegraphic correspondence, we have refrained from giving to the press any copy of that letter, although, of course, Mr. Daugherty will be at perfect liberty to do so if he desires.

"I may say, on behalf of the executive committee of the bar association, at whose direction I have carried on this correspondence, that we appreciate your helpful interest in the matter, and we beg to assure you that no member of the committee entertains any desire to presume to pass upon the merits of the Albers case at this time. Our anxiety has been, and is, to assist to the limited extent in our power in guarding against executive assumption of judicial authority. If the solicitor-general can set aside, as he has done in this case, a decision of the circuit court of appeals, because in his opinion he deems it proper so to do, then he can do it in other cases regardless of his motives.

Hearing Held Needed.

"Inasmuch as the court granted the writ of certiorari for the purpose of having conflicting decisions submitted to it, it would seem that the public interest require that the court hear the matter and resolve the conflict.

"It may be that Mr. Frierson's view of the law is correct, and it may not be, but we have only one tribunal in this country authorized to settle the question."

The statements given out by Judge Charles H. Carey, counsel for Albers, embody a protest from Barnett Goldstein, ex-assistant United States attorney, who aided in the prosecuting of the case.

Goldstein Makes Statement.

Mr. Goldstein's statement follows:

"The fact is, Judge Carey is not entirely accurate when he states that the record shows that Albers was deliberately plied with liquor by a despicable group of persons until he was made helplessly drunk. He omits to say that the record likewise shows that this "despicable group of persons" among whom were numbered E. C. Bendixen and L. W. Kinney, business men of this city, and J. A. Meade, an oil man of Los Angeles who had never met Albers before in their lives, testified that while Albers had been drinking, he made intelligent answers to the questions asked of him and was most emphatic in his adherence to Germany. Their testimony absolutely tended to show that Albers was not that drunk that he did not understand the nature of his utterances. The only plying of liquor was done by Albers himself. The fact is that the liquor that he drank merely gave him the courage, the bravado, the indifference to say and do things that he as an American citizen knew he should not lawfully say or do. Drink merely loosened his lips and laid bare his German heart. His body was in America but his soul was always in Germany before and during the war.

Equi Trial Is Cited.

"During the trial of Marie Equi, supported as we were by the ruling of other district judges throughout the country, we proved what she said in May, 1916, during the Preparedness day parade. The circuit court of appeals held that this was admissible upon the question of intent, and affirmed her conviction. She thereupon petitioned the supreme court of the United States for a writ of certiorari. While this petition was pending, the circuit court of appeals had before it the appeal of Albers, where there was raised the same question. It withheld deciding the case for almost a year, awaiting the decision of the supreme court in the Equi case, which would be decisive of the question. When the supreme court finally refused to entertain Marie Equi's appeal, thus in effect affirming the decision of the lower courts, the circuit court thereupon promptly affirmed the decision in the Albers case, saying "that a like ruling must be made in this case unless the Equi case is to be overruled, which we are not prepared to do."

"In the face of all this, with the authority before him of the Equi case in the supreme court, with the authority of the unanimous opinion of three judges of the circuit court of appeals in the Albers case, it is almost unbelievable that a single person in the department of justice would undertake to usurp the functions of the supreme court by deciding the conflicting decisions from different circuits."

CO-EDS ENTERTAIN CROWD

May Festival Dance Programme Proves Interesting.

OREGON AGRICULTURAL COLLEGE, Corvallis, May 7.—(Special.)—A crowded house greeted the co-eds in a May festival programme of solo and group dances put on by the department of physical education for women last night.

"The Moods of the Sea," featuring Helen Rodolf as the "Spirit of the Sea," and troupes of dancing co-eds typifying the "calm mood," the "playful mood" and the "storm mood," was one of the most finished events. Jean Folsom as the Lorelei and two grade-school girls, Flora McCoy and Ruth Richardson, played important parts.

A slave dance entitled "The Slave Marche," presented by Miss Hjertaas, instructor in dancing at the college, was one of the most popular features.

An animated billboard was one of the unusual features of the evening. In this act many of the better-known advertisements came to life and performed in characteristic dances at the call of Nell Richmond, the page.

Helen Rodolf appeared in "The Pipes o' Pan" and Florence Wharton in a Spanish dance.

DECISION IN SEAMEN STRIKE IS EXPECTED

Action on Arbitration Is Due by Tomorrow.

ENGINEERS BIG FACTOR

Willingness to Make Reasonable Concessions Regarded as to Best Interest of Men and Public.

WASHINGTON, D. C., May 7.—Decision as to acceptance of the proposal to submit remaining differences between marine workers and their employers to a commission composed of Secretary Davis, Admiral Benson, chairman of the shipping board, and a representative of the men is expected by Marine Engineers' Beneficial association officers before Monday.

William S. Brown, president of the association, said today the main differences awaiting adjustment rested with the engineers and that representatives of the seamen had indicated they would abide by the association's action.

"I believe it will be to the best interests of the organization and to the public," Mr. Brown said, "for us to show a willingness to make reasonable concessions."

Mr. Brown made public a telegram from B. L. Todd, secretary of the Atlantic, Gulf & Pacific coast councils of the association, stating that eight eastern and Gulf operating companies had "signed up for one year." It added:

"Telegraphic reports from Mobile, Norfolk, Portland, Maine; Philadelphia, Galveston, Charleston, Portland, Or.; Savannah, New Orleans, Tampa, Apalachicola, Key West, Port Arthur, Jacksonville, San Francisco, show favorable conditions for membership and 100 per cent loyalty to organizations."

SECRET STRIKE VOTE TAKEN

Result of Balloting to Determine Future of Wage Contest.

Continuation or termination of the marine workers' nation-wide strike was thought to hang upon the result of a secret vote taken last night by members of the Marine Engineers' Beneficial association. Balloting was conducted at a meeting of the Portland branch of the association, which started at 8 o'clock, but the result was sent to the national headquarters of the association without being revealed here. Similar meetings were scheduled for branches of the association in all ports of the United States, to determine whether the marine engineers will accept the 15 per cent wage reduction recently effected by the shipping board.

The engineers' association has constituted the backbone of the strike. Unskilled men for all three departments of the ships—deck, engine room and galley—have been available in ample numbers since the strike was called, but vessels have been delayed in all ports of the country, and tied up completely in many, by the lack of qualified and licensed men to operate the engines of the vessels. It was said before the strike was declared, May 1, that every licensed engineer on the Pacific coast was a member of the association.

A weakening in the ranks of the engineers and an unwillingness on the part of the individual members of the association to prolong the struggle, with its enforced idleness, loss of income and imperiling of positions, is indicated both by the concessions granted by the representatives of the organization reported in dispatches from New York, and the fact that shipping board vessels, tied up here by the refusal of their engineers to sign new articles, have been taken to sea by other engineers who stepped into their places.

The first picketing of the strike to take place here broke out yesterday when union men paraded about the office of the sea service bureau, which has been recruiting men for the strike-bound steamers, bearing a large banner reading, "Strike is on. Sailors stay away from ocean-going vessels." No disorder was reported.

The Admiral line steamer Pawlet, laden with a full cargo for the orient, was expected last night to get away for sea early this morning. She was tied up at the idle fleet moorings, below the Broadway bridge, a week ago when her crew refused to sign new articles, and practically an entire new crew had been supplied up to last night by the sea service bureau of the shipping board.

Still Operator Sentenced.

DALLAS, Or., May 7.—(Special.)—Sheriff Orr and Deputies Chase and Clements captured a still, 35 gallons of prune brandy and 400 gallons of mash in a cabin on Upper Rittner creek, in the southern part of Polk county Friday night. Clarence L. Irvine, formerly of Independence, was found asleep in the house and was taken into custody. Saturday Irvine pleaded guilty before Justice Coad of this city and was fined $250 and sentenced to 20 days in the county jail.

ENDEAVORS IN SESSION

Linn County Union Holds Banquet at Albany.

ALBANY, Or., May 7.—(Special.)—With more than 100 delegates in attendance, the sixth annual convention of the Linn County Christian Endeavor union opened last night in this city and will be concluded tomorrow evening.

Three sessions were held today and at 6 o'clock tonight a banquet was served. J. Harold Irvine of Albany, president of the county union, presided at this banquet.

At the opening session last night Rev. Roy Healy, pastor of the First Christian church of Albany, led the devotional service; Rev. T. J. McCrossan, pastor of the United Presbyterian church of Albany, welcomed the visitors, Dr. Helen Gilkey of Corvallis responded and W. L. Van Nuys of Portland led the consecration service.

Among those who participated in the programmes at today's sessions were Rev. W. L. Van Nuys of Portland, Lloyd R. Carrick of Portland, former field secretary of the state Christian Endeavor union; Carl E. Sox of Albany, Dr. Helen Gilkey of Corvallis, Rev. B. F. Fellman, pastor of the First Baptist church of Albany; Oscar Doble of Albany and Elaine Cooper of Albany.

40 PINTS CONFISCATED

Moonshine Found in Vacant Lot and Poured Into Sewer.

Forty lonely pints of moonshine, colored a handsome bourbon brown, were adopted by Deputy Sheriffs Schirmer and Beeman yesterday afternoon when unearthed in a vancant lot on Rex avenue near Thirty-eighth street Southeast. A few hours later and they were taking a course in the general direction of the Willamette river, from the sewer drain in the courtyard of Multnomah county courthouse.

Every effort was exhausted in the search for the birthplace of the pints. Houses in the neighborhood were approached expectantly but the trained nostrils of the liquor hounds could detect no odor of mountain dew.

2 LEPERS WIN FREEDOM

Portland Officers on Lookout for Arrival From San Francisco.

Word that two lepers had escaped from the isolation hospital at San Francisco was received by Dr. F. D. Stricker, state health officer, last night. One at least is thought to be northward bound on board a steamer. The two are Jose Garcia and Francisco Jabier. They are thought to be Mexicans.

A close watch has been ordered for all local docks and if discovered they will not be permitted to land. Both the city and state health officers are on the lookout for the lepers and every effort will be made to apprehend them.

MURDER NEAR SOLUTION

(Continued From First Page.)

going to visit the home of the Macedonians at 539 Albina avenue. When she failed to return her landlady became alarmed and notified her relatives, who in turn notified the police.

Accompanied by a policeman, Mills visited the house on Albina avenue. The place was in great disorder. Clothing was scattered everywhere, a half finished meal was on the table and evidences of a struggle were apparent. Dark stains which resembled blood were noticed on the floor.

Despite all this, according to Mills, no great effort was expended in the case. The police did not even examine the floor of the house. Two feet underneath where the policemen and Mills stood the body of the girl was found.

Even when it was reported that the Macedonians had disappeared, the police displayed no interest in the case, according to Mills. And even seven years later, when the skeleton was found and the identity of the supposed murderer established, Mills declared that the detectives told him there was no use in investigating the case further.

Underworld Story Clear.

The underworld story of the murder is very clear. The detailed story was current even before the skeleton was discovered.

According to this story, the murder occurred on the day that Miss Phillips visited the house. The house was an old, dilapitated shack, which years before had been joined to a dance hall next door. Five men lived there.

The girl, according to this story, was accused by the two men of having cheated them of $300. Hot words followed, and a struggle. Then stilettos flashed. The girl was mutilated before she finally was killed. Her head was severed from the body and she was slashed almost to bits.

The two Macedonians fled, not even stopping to clear away the debris. A little later two of the other residents returned and found the body in the room.

Roommates Fear Accusation.

Frightened at the thought that they might be accused of the murder, they hastened to bury the body underneath the floor and to clean up the signs of the struggle. While they were thus engaged, the fifth man, who was employed at a bakery, returned. The five left the city soon after the disappearance became known, but they did not go before the story became the property of certain underworld characters.

After identification of the body the detectives assigned to the case were extremely enthusiastic over eventually solving the murder, according to Mills.

"Why, we've got enough on —— to hang him," one of them is quoted by Mills as saying.

Later Mills was summoned to headquarters by Inspectors Mallett, Cahill and Morris and closely questioned.

Mills Declines Oath.

"They wanted me to swear my life away," Mills declared. "And when I refused, they said there was no use in going further with the case. They wanted either Mrs. Clune or my wife or myself to take oath that —— had threatened in our presence to kill Mabel. We had seen him only twice, and we could not swear to anything of that kind, because it would not be true."

Mills was supported in his assertions by Mrs. Clune.

"Yes, the police said that if we could not do that, the case was all over," she declared. "They said that the district attorney told them this was needed for corroborative evidence."

Walter H. Evans, district attorney, last night denied that he had given the police such instructions.

Evans Denies Statement.

"One of them called me on the telephone some time ago," he said, "and asked me if I could see Mrs. Clune. I told him to bring her up, that I would be glad to see her. I also told him to investigate the case as fully as possible before taking definite action. But I most certainly did not tell him that we could not issue a warrant on the evidence in the hands of the police. Why, we have issued warrants on far less evidence than there is in this case and have obtained convictions."