

SYNAGOGUE ROW NOW VERY BITTER

**ACCUSED RIOTERS IN JEWISH
CONGREGATION SECURE POST-
PONEMENT OF TRIAL—MEAN-
TIME THE WARRING FACTIONS
SPREAD THE STRIFE.**

Excited, vehement Jews to the number of a score or more crowded into the municipal court this morning to participate in the trials of Solomon Weinstein and P. Nudelmann, whose sensational disturbances in the synagogue Novah Zedek, Talmud Torah at Saturday's services, have caused a schism in the congregation that threatens the disruption of the church. Neither faction was ready to proceed with the trials, however, and a postponement was taken until a week from today.

So bitter are the dissensions that the quarrel has become widespread among the members. Families have been severed and friendships shattered in the course of the strife. One member predicts the disruption of the church as the ultimate result.

Want Rabbi to Resign.
Weinstein, with a strong following of adherents, insists that Rabbi Abbey must vacate, while the rabbi's supporters, who are in large majority, are equally emphatic in their contentions that the rabbi shall remain in charge of the congregation. A special meeting of the congregation has been called for Sunday, when a proposal to dismiss certain members of the congregation will come up. The prosecution of the case was postponed today for the reason, it is said, that those of the congregation who favor the retention of the rabbi desire to secure special counsel to prosecute the cases.

To Hire Special Counsel.
"We shall employ the ablest lawyers in the city to prosecute the offenders," said Philip Rogoway this morning. "We don't propose to let them off if we can prevent it. While we believe the city attorneys will do all in their power to convict them we don't propose to take any chances. We decided today to employ special counsel and it will be done at once."

One of the causes of the violent disturbance in the congregation is said to be the animosity of M. Ostrow, the deposed president, towards the young rabbi. Another cause is said to be the claims made by the malcontents that a married rabbi is preferable to one who is single. Rabbi Abbey is unmarried. Ostrow, it is claimed, is angry because of his defeat at the recent election of congregational officers. Until that time he was president of the congregation but was succeeded by I. Apple, who was elected by a unanimous vote. It is claimed that he avowed at the time that he would avenge his defeat and is taking advantage of the present situation to accomplish that end.

Nearly a Lynching.
M. Simon, who seized Weinstein during his sensational harangue and forced him to leave the building, declared today that the infuriated speaker would certainly have been killed by an angry mob but for his interference.
"If I hadn't stood between him and the crowd and hurried him from the building we wouldn't be prosecuting him in court," said Simon. "I have no doubt but that he would have been lynched. I never saw an angrier crowd of people. There were 75 or more who were willing to pounce upon him and would have done so but for the fact that I made him get out before they could lay hands on him."

NEW HAVEN STRIKE MAY BECOME TANGLED

(Journal Special Service.)

New York, May 24.—The success or failure of the strike of the freight-handlers and marine firemen on the boats and piers of the New York, New Haven & Hartford railroad seems to hinge on the attitude of the Teamsters' association. All the strikers' places are filled, and if the teamsters go out the situation will be badly tangled. The company refuses to discuss such an emergency. All is quiet at the piers this morning, and a large number of detectives and special watchmen are on duty.

POPE MAY SUBMIT QUESTION TO POWERS

(Journal Special Service.)

Rome, May 24.—Cardinal Merry del Val, the papal secretary, is quoted as saying that the holy see is confident that a satisfactory solution of the French situation will be arrived at, but should the French chamber of deputies endorse the government's anti-clericalism, the pope may submit the whole affair to the judgment of the European powers.

OFFICIAL RECALL ISSUED.

(Journal Special Service.)

Paris, May 24.—After a meeting of the council of ministers today a note was issued officially announcing the recall of the French Ambassador to the Vatican.

ARREST THREE SUSPECTS.

(Journal Special Service.)

Canton, Ohio, May 24.—The police early this morning arrested Richard Quigley, Harry Pierce and Tiny LaBelle on suspicion of their being connected with the murder of George F. Taylor, a merchant who was killed on Saturday night, and whose common law wife, Grace Bottorff, has been under surveillance as a suspect. Grace Bottorff and Taylor have been released from custody.

WANTS TO BORROW.

(Journal Special Service.)

San Juan, May 24.—The insular legislature adjourned today but immediately reopened for its first extraordinary session, which was called to negotiate a loan of \$5,000,000 from the United States.

TO DISPERSE COSSACKS.

(Journal Special Service.)

Seoul, May 24.—A force of Japanese has been dispatched from Gensan on the east coast, to disperse the Cossack raiders in northern Korea.

Your grocer moneybacks
Schilling's Best; he is glad to
pay-out the money; it costs
him nothing; it isn't his money.

PRISONER ESCAPES FROM COURT ROOM

While locked within the detaining pen in the municipal courtroom this morning, Frank Connors, charged with the robbery of a watch from G. E. Johnson, burst open the rear door, dashed down the steel steps into the city jail below and out on the sidewalk away to freedom before officers or others could interfere with his progress. Patrolmen and detectives are now scouring the city in search of the escapee, and Chief Hunt hopes that by the session of court tomorrow morning he will be again in jail and ready for trial.

MARQUAM WINS SUIT

(Continued from Page One.)

"That Marquam had not been guilty of sleeping upon his rights to such an extent as to forbid the maintenance of this suit, as he brought the suit within a reasonable time after discovery of the purchaser.

"That the act of the court in confirming the sale in the foreclosure suit, did not estop Marquam from raising the question of the right of the company to buy, as upon the motion to confirm, and objections thereto, in Oregon, only irregularities affecting the purchase and sale, were or could be considered, and that the purchase of trust property by the trustee does not fall within the category of irregularities.

"That while the court might be doubtful as to some of these propositions, the cardinal rule in equity should be invoked to resolve such doubts in favor of plaintiff, i. e., that wherever possible, the lender should be given his money and interest, and the borrower the property or thing pledged as security for the loan."

In the introduction to the opinion Judge Sears uses the following language:

Question Long Considered.
"After long consideration of the questions involved herein, I still find myself as to some of them unable to reach a conclusion which even to my own mind is not obnoxious to some criticism, and if this were a final adjudication of this cause I should hesitate yet for a while before announcing my ultimate views. I recognize, however, that any opinion I may deliver is but a halting place upon the road, and that it is time that the litigation should end in this court, where it has occupied so much time during the past year or more."

While the question of fraud on the part of the Title Guarantee & Trust company was not a factor in proceedings, the court treats of this matter parenthetically as a mere matter of justice to the defendants. He says:

Fraud Not Shown.

"The opinion which I have adopted makes it unnecessary to enter into a discussion of the evidence, it is strongly urged upon the attention of the court that the Title Guarantee & Trust company, through its officers, has been guilty of express fraud, fraudulent conduct, which should of itself vitiate the sale of February 10. This contention is based essentially on a recovery by the plaintiff under the former opinion of the court. This claim is emphatically repelled by the defendants. While not essentially, as I have said, to a determination of the case, I should pass directly upon this question, I may state parenthetically that after a somewhat careful and critical examination of the evidence introduced at the trial I am unable to discover any conduct which tends to smirch the character of said defendant or its reputation for fair dealing. Whatever might have appeared open to criticism at the close of plaintiff's case has been fully overcome by the ample disclosures made by defendant, the Title Guarantee & Trust company. This defendant and its agents seem to have been actuated by a desire to promote plaintiff's success, and to have pursued a course which would have undoubtedly met the plaintiff's approbation had his misfortunes unfavorably affected his judgment."

One of the most important points in the opinion is the deduction as to the relation the trust company bore to Marquam. The salient feature along this line is gleaned from the following paragraph:

The Company's Relation.

"It is contended by the title company that the trust was ended by the filing of a complaint in the foreclosure suit, and I admit that at one time I was inclined to allow force to this argument; but further consideration leads me to the conclusion that within it lurks a fallacy, that it is more specious than sound. Assuredly, if the reasons herebefore cited for the existence of the main rule of prohibition upon the right of a trustee to buy for himself be sound, their force is in no sense abated at the very moment of the termination of the trust relation, which is the claim of the plaintiff just as much then as before. Any more than as announced by the New York court: 'He could not be a trustee before the sale and immediately afterward a stranger to the trust.' The conclusion, therefore, which is distinguished by reference to a wealth of authority, both English and American, on all mooted points, reads as follows:

Defendant to Be Reimbursed.

"I have thus reached a conclusion adverse to the earnest and profound researches of defendant's counsel. I have given much time to this case, for I recognize its importance. Were my determination final, I should even yet hesitate to end my examination, for I can see many possibilities of error in the result. But as the decree that I make is certainly but one stage upon the journey which this cause must make, and as the result at which I have arrived is, to my mind, more in accord with the underlying spirit of equity jurisprudence, I, with the less reluctance, assume this attitude, feeling that in any event the defendant will recover all that an impartial arbiter should allow."

"I have by no means noticed all the objections to my position which the defendant has urged; but I have not ignored them."

History of the Suit.

The suit of Marquam against the company is familiar to practically every resident of Portland and has been running in the circuit court since November 11, 1932. It has once been in the state supreme court on another issue, that tribunal finding in favor of the trust company. The title of the case in full is "P. A. Marquam vs. the United States Mortgage & Trust company, the Title Guarantee & Trust company, the Oregon company, J. Thorburn Ross and Thomas H. Prince." Mr. Ross is secretary and general manager of the Title Guarantee & Trust company.

Marquam bought the block on which the theatre is located prior to 1894. The block is bounded by Sixth and Seventh, Morrison and Alder streets. He also purchased other property, including 20 acres of the John Quinn donation land claim and lots 1, 2, 3 and 4 in block 120 of the city plat. To pay for the property he borrowed \$250,000 from the James Phelan estate and \$20,000 from

the Southern Pacific company, several months ago, and who are now serving terms in the penitentiary. With other prisoners, Marquam was removed from his cell this morning and taken upstairs and placed in the detaining pen. No one knew of his escape until he was called for by Deputy City Attorney Fitzgerald, who wished to arraign him. Bailiff Golitz then went in for Connors and found that the rear door was open, but no other prisoners had left the room, although there was ample opportunity. Connors rushed pell-mell down the steel steps leading from the courtroom to the floor below, passed the workmen who are making the repairs to the city jail, and then ran down toward Washington street.

Dr. A. Sonnenfeld, which with interest, when the litigation began amounted to about \$200,000.

These creditors being in need of the money obtained \$200,000 from the United States Mortgage & Trust company through the Title Guarantee & Trust company as trustee, mortgaging the property. Foreclosure proceedings were later brought and the theatre property, as well as Marquam's other landed possessions were sold by auction for \$363,548.87 December 10, 1930. Two years later Marquam discovered that the Title Guarantee & Trust company had purchased the property and brought suit on the ground that a trustee could not purchase the property of his beneficiary.

Appeal Sure to Follow.

The opinion of Judge Sears, if upheld by the state supreme court, as an appeal is sure to follow, provides that Marquam regain the property and be permitted to pay his indebtedness. In any event the Title Guarantee & Trust company will be fully reimbursed. The company must account for the proceeds of the sale of the property for the four years it has been in possession, aggregating about \$200,000.

The court room was well filled with members of the bar and other interested in the outcome of the suit when the opinion was delivered. Business was practically suspended at the court house for some time afterward, all the attaches gathering together in the different departments and expressing their opinions of the decision.

In the litigation Marquam has been represented by E. B. Watson and A. H. Tanner. Wallace McCamant has appeared for the various defendants. It is said that in the event of ultimate success Judge Watson's fee will amount to a small fortune. It is claimed that at the time of sale the property was worth \$300,000, and is now worth \$1,000,000.

J. Thorburn Ross Speaks.

J. Thorburn Ross, vice-president of the Title Guarantee & Trust company, was seen at his office regarding the decision rendered this morning by Judge Sears. He said:

"Naturally the decision of Judge Sears was a disappointment to me, as I had confidently expected that he would have followed the able and exhaustive opinion previously handed down by him in this case. Since hearing the syllabus which he read from the bench I have carefully read the full text of the opinion handed down by him this morning and cannot but be gratified that the court has found the gross and outrageous charges of fraud and misrepresentation on the part of the company and its representatives entirely unfounded in all respects; indeed, to quote from his own opinion, 'after a careful examination of the evidence introduced at the trial, I am unable to discover any conduct which tends to smirch the character of said defendant, or its reputation for fair dealing,' but that he finds that the Title Guarantee & Trust company and its agents to have been 'actuated by a desire to promote plaintiff's success, and to have pursued a course which would have undoubtedly met the plaintiff's approbation, had not his misfortunes unfavorably affected his judgment.'"

"The English language could hardly be used with greater clearness or strength to vindicate the character of the Title Guarantee & Trust company, its officers and representatives, for fair and honorable dealing, and to magnify their conduct as above reproach. Every fact contested at the trial has been determined in our favor by this decision."

Opinions Compared.

"As to the conclusions reached by the court upon his interpretation of the law, I cannot but presume that they represent his present opinion regarding an interpretation thereof. We have freely admitted the broad principle that a trustee cannot buy at his own sale, but we are strongly of the opinion that the weight of authority unquestionably gives a trustee coupled with an interest a right to protect that interest, and furthermore believe that our own supreme court, when this case was before it, clearly held that the trust created by the agreement with Marquam terminated at the time the foreclosure suit was brought by the United States Mortgage & Trust company. I apprehend that we should not only be bound by that opinion, but in the ending thereof, Judge Sears regarded it as quite certain that this case would be appealed to the supreme court in any event, and again to use his own language, 'were my determination final I should even yet hesitate to end my examination, for I can see many possibilities of error in the result.' Under all the circumstances I cannot but feel that the former opinion handed down by Judge Sears is the correct and clear exposition of the law."

"The fact that the decision as handed down in its present form enables us to perfect an appeal to the supreme court without delay, while if it had been an affirmation of the former decision, it might have afforded an opportunity for lengthening this already too burdensome litigation, is a further source of satisfaction to me. We will, of course, appeal forthwith as soon as the decree has been entered."

HAMMER IS APPOINTED.

(Washington Bureau of The Journal.)

Washington, May 24.—Wilber F. Hammer has been appointed postmaster at Haystack.

Faint Spells

are very often attributed to biliousness, and the stomach is treated to cathartics. That's wrong. Faint spells are often accompanied by biliousness, but you will also notice shortness of breath, asthmatic breathing, oppressed chest, weak or hungry spells, which are all early symptoms of heart weakness. Don't make the mistake of treating the stomach when the heart is the source of the trouble.

Dr. Miles' New Heart Cure

Will strengthen the nerves and muscles of the heart, and the fainting spells, together with all other heart troubles, will disappear. "Four years ago I was very low with heart trouble, could hardly walk. One day I had a fainting spell, and thought I was in the land of the dead. I began using Dr. Miles' Heart Cure, and after taking three bottles, I feel that I am cured." MRS. EFFIE CLOUGH, Ellsworth Falls, Maine. Money back if first bottle fails to benefit.

CIRCUS MAKES SMALL BOY GLAD

**NORRIS & ROWE'S SHOW INCLUDES
ALL THE OLD AND MANY NEW
FEATURES TO ENTERTAIN AND
DELIGHT THE PUBLIC—LAST
PERFORMANCE TONIGHT.**

Dust, a warm sun, red lemonade and showers of popcorn and big hunks of sticky taffy near the entrance to Multnomah field, were attractions more powerful to the small boy yesterday than was ever the magic of the spider's web for the fly. It was show day, and the boy who got as far as the dust, taffy and other attractions, could no more turn back than he could recite Mother Goose backward.

These were some of the reasons that Norris & Rowe's big tent was filled at both performances, and equally good attendances are assured for the two performances to be put on today and this evening.

With the same courage of old, the elephants stood for the small boy. With the same old stoicism, Mr. Elephant winked at such disparaging remarks as "Ain't the elephant a bum beast?" or "Chimlie? He needs a bath worse than he needs de bum steerer to stand beside him wit de gift. Dat elephant is a big lobster. Me fadder says Jumbo was de biggest elephant w'at ever lived; but he hasn't seen dis one, so he don't know w'at he's talking about. 'Se he 'im git outside dat bag o' peanuts."

"An' dis is de proud tiger from Bimal, w'at eats people alive—brave beast uv prey! He needs a hair cut. I wonder if he'd eat any uv dese guys w'ats rubberin' if he had 'th' chance?" "Chimlie, let's quit de elephant an' de tiger—let's gaze at der dorgs. I wonder if der'd be a big squeal if a feller gits swiped one o' der dorgs? No; I ain't a goin' to swipe any dorgs, but someone might."

And with criticism and praise the small boy analyzed the show from cover to cover. He gathered enough information to furnish notes for discussion until the next show and the next comparison could be made. And when possible, he left the grounds with a plan up his sleeve to work "dads" for tickets for today. To him, the 23d of May was a red-letter day in the current year—fully as momentous as the burnt-finger day of Fourth of July.

It is claimed that at the time of sale the property was worth \$300,000, and is now worth \$1,000,000.

There are performing seals, horses and elephants, the usual complement of rider, trapeze performers and clowns, with a first-class band and an orchestra.

THE GENTLE ART OF FOUR-FLUSH

(Continued from Page One.)

As soon as the applause that greeted the speech of Colonel Veatch had abated did out the audience was startled to hear a loud voice cry "Mr. President," from the rear of the hall, and, looking around, Henry Meldrum was seen standing up and asking to be heard. "I take it that Colonel Veatch referred to Colonel Green as making those charges against me and the commissioner. Colonel Green is here in the audience, and I call on him to substantiate the statement of Colonel Veatch."

The news that Colonel Green was in the audience filled all with surprise. Men stood up and excitement was at fever heat.

"I am not here to cause any disturbance," said Colonel Green, and he sat down.

"Get up and substantiate these statements," shouted Meldrum, and he turned to Colonel Green and said: "You, Colonel Green, did not give a reply. He moved uneasily and appeared much annoyed."

"Tell the audience whether these statements are true, if you are the man that brought them up."

Colonel Green was very reluctant to reply, and Meldrum, thinking that he was not going to answer, shouted: "I charge you with being a teetotal liar and scoundrel."

This was too much for Colonel Green, and he arose and took a few steps forward and addressed the people.

The Gentle Call.

"The statements made to you tonight are substantially true. I do not wish to be the cause of any disturbance here tonight. It is by chance that I am at this meeting. I had some letters for Special Agent Leonard and thought that he might be found at this meeting. Colonel Veatch's statements are substantially true, but I notice one error. He said that the patents that had 'Special' written across the back were issued in three days. They were issued in 13 days. It is not proper that I tell all I know about the charges that have been made against the surveyor-general and the commissioner. I will say that some of the evidence that was collected and sent to Washington was made away with in some odd corner. We have other evidence bearing on this same point, and which will be brought before the next meeting of the federal grand jury. If we gave out all our evidence the ends of justice would not be accomplished. We have fuller evidence than that which has already been brought out to make indictments."

The Show-Down.

Colonel Green's short talk was greeted with prolonged applause, but Meldrum was again on his feet.

"I say that this man's statements are all wrong. And Hiccock is wrong, if he thinks that he can send a Republican inspector out here to help elect a Democrat to congress." Then he somewhat wildly and lamely concluded: "He will find that Binger Hermann will be elected by a sweeping majority in every ward and precinct of the district."

There was a short silence after this speech. Some laughed at the boast. One or two clapped their hands, and the echos died out in the big hall. Many Republicans were present, and they looked foolish, and shortly after took their leave.

The rest of the rally was rather tame compared to the excitement that preceded it. J. E. Hedges, running against George W. Holcomb of Portland for joint representative for Multnomah and Clackamas counties, made a good, round, ringing speech, in which he made a plea for official integrity, less legislation, and reducing expenses and taxes. The candidates on the county ticket made short speeches, and County Central Committee Chairman O. D. Eby closed the meeting with a few words for the candidates who were not able to be present.

After the meeting Colonel Green said that he was sorry the incident had occurred, but that Meldrum had brought it on himself. Colonel Veatch said that he did not even know Meldrum, or that he was in the hall. Some of the Republicans were inclined to think it a "job," but they have very little to say.

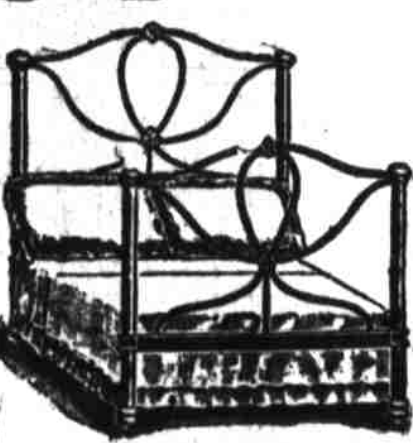


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HE TOOK THE MONEY

(Continued from Page One.)

The other witnesses were reporters for the Oregonian and Journal.

Causes Change of Jailers.
As a result of the charge of brutal treatment of Sweeney by Price, Charles B. Hill, for two months jailer under Captain Moore on the first night relief, was last night transferred to the Washington-street beat down town, and Patrolman Robson was made jailer.

"I think Hill has too short a memory to be a jailer," said Chief Hunt. "I asked him for a report on the striking of Sweeney by Price, and he said he could not remember how Price got into the cell, as it was too trivial a matter."

KAISER TO PRODUCE A NEW GRAND OPERA

(Journal Special Service.)

Berlin, May 24.—The composer Ruggero Leoncavallo, the author of "I Pagliacci," today handed Kaiser Wilhelm his new opera which has been talked over so long and which is entitled "Roland of Berlin." The opera was written at the Kaiser's request and embodied six years' work.

Leoncavallo in handing it to the Kaiser told him it was his highest endeavor and that whatever claim he might have to fame rested within the roll of manuscript. Wilhelm is greatly interested in the presentation of the opera and will attend to the supervision of the rehearsal. Those who have heard portions of the opera declare that it will prove one of the greatest of modern compositions.

Representative Homes of Portland.



C. H. LEWIS ESTATE, OVERTON, NEAR TWENTY - FIRST.

The above houses, designed by D. C. Lewis, are a splendid example of the pure Elizabethan style. Though simple in design, a very artistic effect is secured through harmonious construction details and quaint exterior decorations. Much artistic sense is also shown in the color scheme of the exterior, the contrast between the bodies of the houses, which are buff in color, and the olive green trimmings, making them very attractive. In winter the houses are rendered comfortable by large warm-air furnaces installed by the McPherson company.

The art of spending shoe-money

If you figure your shoe-money by the year, you'll find that you need to spend a good deal less than usual if you put it into Selz Royal Blue Shoes.

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