

BARS USURY IN DELINQUENT TAXES

Judge George Makes Ruling That Will Stop Illegal Interest Being Charged on Delinquent Tax Transactions—Storey Rebuked.

Pretending Judge George handed down a decision in the circuit court this morning which will invalidate a hundred or more tax sales. The opinion will be a heavy blow to money brokers, who have been charging usurious rates of interest on tax sales, and virtually rebukes Sheriff Storey for violating the letter of the law in making sales of property when taxes were delinquent.

Section 25 of the legislative act of February 27, 1931, in defining the duties of the sheriff relative to tax sales, provides among other things as follows: "Each parcel shall be sold to the person who offers to pay the taxes, costs and securing penalties thereon and take a certificate at the lowest rate of interest."

C. D. Edwards brought suit against R. C. Wright, the sheriff, and others to quiet title to property located at Burlington and Gresham streets in the James John addition to the town of St. Johns. He alleged that the sheriff made a pretended sale of property to L. E. Wright, to which R. C. Wright has succeeded, in 1931, on account of the taxes being delinquent. A large number of technical grounds were urged, as to why the sale should be set aside. Among them was a claim that the rate of interest given on the certificate made out by the sheriff was usurious, being 15 per cent. This was a minor ground, and little importance was attached to it by Edwards' attorney, but Judge George made it the base of his decision.

The general interest law of the state

provides that the legal rate of interest shall be 6 per cent. The court said: "Contracts may be made between parties for 10 per cent. In the present case the offer made by Wright was 15 per cent. It is a matter of common report that in other cases offers of interest have run as high as 1,000 per cent. This means that a man buying a piece of property for \$10, would be allowed to extort \$110 from the person who should redeem it at the end of a year.

"This court regards all such transactions as illegal when the rate exceeds 10 per cent. It may be that they are illegal if it exceeds 6 per cent, but I shall not pass on that phase of the question at present. The plain intent of the law is that the man shall receive the property at a delinquent tax sale who offers to permit it to be redeemed at the lowest rate of interest.

"Sheriff Breaks Law. "Offers accepted by the sheriff and certificates by the sheriff bearing such usurious rates are contrary to the laws of the state. The provisions of our tax law must be read and construed in connection with the general laws of the state. The sheriff had no right to accept any offer of a usurious rate.

"In his answer the defendant sets up the plea that the property is his right of purchase at tax sale. The plaintiff denies to this answer on the ground that the sale was illegal. I shall sustain the demurrer."

GROWING OPPOSITION TO BINGER HERMANN

Alex Sweek, chairman of the Democratic state central committee, who returned today from a trip to the southern part of the First congressional district, brings back reports of growing opposition to Binger Hermann, and of enthusiasm for Colonel Vestch.

"I found the outlook much more favorable than I had hoped," said Senator Sweek. "Many Republicans told me of their intention to support Vestch and the Democrats are for him to a man. The Journal's exposure of Hermann's crookedness in the land office are widely read and are producing a strong effect. Voters who have hitherto regarded Hermann as an honest man are becoming

convinced of the truth of the charges against him.

"I spent a little time in Astoria and I found a strong sentiment there for Vestch. I think he will carry Jackson county. I was at Grants Pass when George C. Brownell came there to address the Republicans of the town. He had a very disappointing reception. The meeting was to have taken place at 8 o'clock, but so few people were on hand at that hour that they waited until 9:30 in the hope of getting a crowd. A band was playing to attract the people, but they would not come. Brownell finally made a speech to a handful of people and it was noticeable that he practically nothing to say about Binger Hermann."

ESCAPE IS EASY FROM CITY JAIL

Through what Chief of Police Hunt says was a mistake on the part of Captain John T. Moore, commanding the first night relief, John J. Burke and E. J. Goodman, arrested last night by Patrolman Thompson on suspicion of larceny of junk, escaped from the city jail. The mistake consisted in placing the prisoners in a cell which the chief had given orders should be occupied by none but common drunks, as it was not calculated for dangerous or important criminals. With a plank from their bunk, the two men pried the bars apart and walked out of prison.

The cell was not intended for any

but common drunks, and I gave orders to that effect two days ago, to the captain and jailer," said Chief Hunt. "These escapes are purely and simply the result of carelessness on the part of the officers. There were four strong cells empty—cells that a man cannot escape from—but instead of using one of those, the prisoners were put in the common drunk cell."

The cell out of which the men escaped, is only a temporary place of detention, and will be reconstructed when the repair work proceeds further. The bars that were bent are old and weak.

MRS. MENZIES WAS WELL KNOWN PIONEER

Mrs. L. O. Menzies, an Oregon pioneer, died at Gresham Wednesday night, at the residence of her son-in-law and daughter, Mr. and Mrs. D. M. Roberts. She was aged 75 years and had lived in this state since 1855, coming here from Burlington, Ia.

She was married to a man named Crosby, living on the Columbia slough road, by whom she had three children. They were divorced and she married James Menzies. They lived on Sauvie island for 15 years. Menzies then bought a parcel of land lying at the mouth of the Sandy river. The farm in 1855, they went to Salem, where the husband died the same year. He left three children by his second marriage and several by his first.

After the death of her husband, Mrs. Menzies returned to the farm at the mouth of the Sandy and lived there three or four years, when she came to Portland. She remained here until eight years ago, and then went to Gresham to reside with her daughter and son-in-law, J. F. Menzies, one of her sons, is superintendent of the Northwest Mining and Improvement company, at Roslyn, Wash.

The funeral took place at 1 o'clock this afternoon from the Methodist church at Gresham, the Rev. M. L. Hardingham officiating. Mrs. Menzies had been a member of that church since she was 15 years of age. The remains will be shipped to Salem for interment beside the husband.

PHYSICIAN ACCUSES GIRL OF BLACKMAIL

(Special Dispatch to The Journal.) Helena, Mont., May 27.—Dr. O. B. Whitford, a wealthy and prominent physician of Butte, Mont., after paying nearly \$10,000 "blackmail," has refused to be further blackmailed and has caused the arrest of Miss Driscoll, a pretty young woman, now of Los Angeles, on a charge of blackmail.

The woman was formerly a nurse in Butte, and as such was associated more or less with Dr. Whitford, whom she accuses of being the father of her child.

UNION AND WALLOWA CANDIDATES SPEAK

(Special Dispatch to The Journal.) Union, Or., May 27.—The Democratic candidates for joint senator and representatives for Union and Wallowa counties, also candidates for county offices held a public meeting at the court house Tuesday evening and addressed the people of Union. The principal speech of the evening was made by Hon. Walter

FIRE DESTROYS ROSEBURG SALOON

(Special Dispatch to The Journal.) Roseburg, Or., May 27.—The Commerce saloon was destroyed by fire last night. The total loss of the building and its contents is estimated at \$3,000, on which there is \$1,500 insurance.

The back door of the building was found broken down soon after the blaze was discovered, and while no clue to the cause of the fire can be found, it is thought the building was set on fire either for the purpose of robbery or revenge.

Ed Corcoran was the chief loser, his fixtures and stock being covered by only a \$1,000 insurance.

S. C. Hartman's country residence was also burned last night. The building and contents were valued at \$1,000, and were covered by \$900 insurance.

Wanted Man Gone. Claud Hendricks, who was arrested for shooting at Charlie Edwards, has disappeared. Sheriff Farrot has no clue and his people claim to have no knowledge of his whereabouts.

HIGH MASONS WILL HOLD REUNION

Scottish Rite Masons of this city are making elaborate preparations for a reunion to be held June 13 and 14 at their cathedral, Morrison and Lowndes streets. On the evening of the 13th there will be a ball which is to be attended by members of the order and their ladies. The reunion will be attended by a large number of members from different parts of the Pacific coast and promises to be a memorable event in the history of Scottish Rite Masonry. The committees which have been appointed to arrange for the entertainment are as follows:

Reception and floor—Col. William F. Tucker; 2d, E. S. Jackson; 3d, Governor George E. Chamberlain; 4th, George C. Bingham; 5th, T. C. Taylor; 6th, Dr. E. B. Pickel; 7th, W. L. Vawter; 8th, E. A. Sherwin; 9th, W. E. Carr; 10th, Dr. Albert E. Mackay; 11th, W. E. Grace; 12th, Oscar Hayter, Jr.

Refreshments—John McCracken; 13th, W. C. Francis; 14th, J. G. Mack; 15th, W. C. Alford; 16th, R. W. Hoyt; 17th, Dr. W. A. Cummings; 18th, G. W. Stapleton; 19th, J. G. Mack; 20th, W. C. Alford.

DROPS DEAD AFTER FINISHING A SPEECH

(Journal Special Service.) Los Angeles, May 27.—T. S. Ingram of Cleveland, O., first grand engineer, dropped dead at noon today at the Brotherhood of Locomotive Engineers' convention. He had just finished his speech and died on the platform.

HELPED SAVE COUPLE FROM BLAZING HOME

District Engineer Young is making an investigation of the origin of the fire that destroyed the two-story frame building at the corner of Thirteenth and



A. W. DOLSON, Call Foreman Engine Company 3.

Washington streets at an early hour yesterday morning, but as yet he has been unable to determine the cause. It is believed the fire was started by an incendiary, but there is no clue as to the identity of the person.

The fire destroyed the building, which was owned by George A. Crow of Portland, and the stock of groceries of the H. P. Lee company, Inc., valued at between \$5,000 and \$4,000.

SURVEY STEAMER TO BE BUILT HERE

The Willamette Iron works and Joseph Supple of Portland were the lowest bidder for the construction of a new sea-going survey steamer for the United States engineering corps, both with and without the electrical plant left optional. Mr. Supple bid \$24,400, while the Willamette company bid \$24,400 with the electrical plant and \$23,500 without. There were six other bidders.

The bids will be examined by the local engineers, and with a recommendation will be forwarded to Washington, when one of the Portland firms will likely be awarded the contract. The craft will be of wood and is to be delivered at this port. It is to be 65 feet long on the water line and 65 feet over all, with a draft of 6.5 feet and 90 tons displacement.

WILLIAMS ARGUMENTS

(Continued from Page One.)

from which to read extracts. He showed manufactured newspaper clippings covering his marriage to Alma Nesbitt. County Clerk Edwards of Yakima testified that he did not recall the marriage. Mr. Williams' argument lasted fully two hours.

Henry McGinn, attorney for the defense, followed.

He suggested that the points of law and arguments that it was not necessary to produce bodies was an excuse which the prosecution gave for the non-production of the bodies. He read a note on corpus delicti.

"Justly," said the attorney, "the prisoner may deserve death, but the lack of evidence in his favor; he was not seen committing the act. There should be direct testimony that a crime was committed, not a suspicion. On circumstantial evidence I cite Lord Hale."

He then read quotations on the case and said: "The prosecution must show that fire or chemicals consumed the bones. There is no proof that any bones in the Williams case were consumed."

He then stated numerous cases, among which was the Morgan case in 1928. His final argument was to the judge on the meaning of corpus delicti, which he declared means to produce the dead body or an excuse for non-production.

The court adjourned to 1:30 o'clock in the afternoon.

McGinn, in continuing his argument, asked the court to consider more concerning the expert testimony, and the manner in which Expert Chas. Hampton was placed on the stand.

"Experts," he said, "should be employed by both sides, as an expert may decide for the side employing. In deciding the case care must be taken that the jury's decision be not biased. Experts are found who will testify to anything, however absurd. A man of good common sense may have an opinion which is more correct than that of all the experts in the country."

Garfield's death occurred because the doctors did not understand their business. The value of expert testimony must be carefully weighed, he said. "Can it be said to a moral certainty that Alma Nesbitt is dead?" he asked.

Attorney McGinn has consumed two hours expounding points to the court. He has not addressed the jury yet. His argument is that the prosecution must produce the dead body of Alma Nesbitt. It is expected that the case will go to the jury this evening.

TSI AN'S PORTRAIT AND GEISHA GIRLS

(Journal Special Service.)

San Francisco, May 27.—The steamer Siberia arrived this morning from the Orient with 46 members of the Philippine commission to the World's fair. Sir Frederick Treves, surgeon to the king of England, Shen Heng Hoo, a high Chinese official in charge of the portrait of the empress dowager that is being that is being sent to the World's fair and 46 Geisha girls for the fair were also on board.

LAW KNOCKS OUT PORTLAND BIDDERS

CONTRACT FOR CARRYING GOVERNMENT LUMBER TO MANILA PLACED ELSEWHERE BECAUSE LOCAL AGENTS HAD NO VESSELS FITTING AMERICAN FLAG.

Although the Boston Towboat company of Seattle did not submit a bid at the time tenders were asked for, that concern has been awarded the contract for carrying government lumber from Portland to Manila. The steamer to be used for the purpose will be either the Pleiades or one of the other vessels operated by the company, and she is expected to reach here not later than June 1.

After June 23, none but American bottoms or United States transports can engage in the work of transporting government supplies for the use of the army or navy and that is supposed to be the reason the bids submitted by the local firms, providing for the carrying of lumber from Portland to the Philippines, have not been acted upon favorably. The vessels offered by Portland firms fly the flag of foreign nations, and in order to comply with the law as it now stands, it would be necessary for them to arrive from some distant port, take the lumber and clear before June 23, and it is presumed that it would be impossible for them to do so.

Law on the Subject. The following excerpts from the law have been received at the custom house: "Your attention is directed to the act approved April 28, 1904, entitled 'An act to require the employment of vessels of the United States for public purposes,' which reads as follows:

"Be it enacted by the senate and house of representatives of the United States of America in congress assembled, that vessels of the United States, or belonging to the United States, and no others shall be employed in the transportation by sea of coal, provisions, fodder, or supplies of any description, purchased for private parties by the army or navy, unless the president shall find that the rates of freight charges by such vessels are excessive and unreasonable, in which case contracts shall be made under the law as it now exists; provided, that no greater charges be made by such vessels for transportation of articles for the use of the army and navy than are made by such vessels for transportation of like goods for private parties."

"That this act shall take effect 60 days after its passage."

It is thought that with the above law in mind Quartermaster-General Humphrey concluded, before taking any action on the Portland bids, or rather after holding them for seven or eight days, without any notification to the local bidders, asked for tenders of American tonnage from Puget sound.

Portland Men Not Informed. The Portland men were not at all pleased with the manner in which the matter has been disposed of by the government, believing that they were not given a square deal. They declare that the decision was certainly fully warranted by the law, but the law was extended to the agents of foreign vessels to bid for the business. It is also explained that after the government had decided to engage an American vessel for the purpose of carrying the lumber, the Portland bidders should have been notified at once, but it is asserted that they have as yet received no word from Washington on the subject. As a result of the delay, the several agents of the vessels have been put to needless additional expense.

DEMOCRATS WILL HOLD MANY RALLIES

Numerous Democratic rallies will be held during the remainder of the campaign. There will be a meeting tonight at Hickman's hall, St. Johns, at which addresses will be made by W. T. Vaughn, Oregon Young Men's T. Morgan and some of the county candidates.

Tomorrow evening there will be a rally at Burkhardt's hall, Union avenue and Burnside street. Hon. C. E. S. Wood and Dr. Harry Lewis will be the principal speakers, and short addresses will also be made by some of the candidates.

AS TO JUDGES' SALARIES.

Portland, May 27.—To the Editor of The Journal—I noted in a recent issue of the Oregonian mention of the judges of the circuit court of this county contemplating a strike for a suit, and that for the three months period ending December 23, 1933, by reason of the act of the special session of the legislature, held last fall.

The judges informed that prior to the latest special session the judges of our circuit court, being dissatisfied with the salary of \$5,000 per year paid them by the state as state officers, prepared a bill to be introduced in the legislature at the next session of the legislature, and that they provided therein that the salary of each should be \$4,000 per year, to be paid them by the state as state officers, and that this bill was introduced by a prominent member of the Multnomah delegation, to be introduced by him in the house of representatives. I understand that this bill was submitted to representatives of both houses of the legislature, and that it was unanimously condemned by them, because they were of the opinion that no one of the judges of the circuit court in Multnomah county performed as much work or earned as much as each of the judges of the other districts, and that as the latter were satisfied with their present salary they would not agree to pay the Multnomah county judges out of the state's moneys more than \$3,000 per year. I am also informed that the result of this conference was made known on one of the bills introduced in the legislature at the next session of the legislature, and that the desired \$1,000 per year might be paid by Multnomah county, not by the state; that this suggestion was made known to the representatives who had objected to the first proposal, and that they then stated that if the Multnomah delegation agreed that the extra compensation should come out of the county they would make no further objection, and that thereupon the bill which was subsequently adopted and became the law was prepared by the Multnomah county circuit judges and presented at their request in the house of representatives by a prominent member of the Multnomah delegation.

I have been unable to verify this information, and having confidence in your courtesy and believing that you will favor me with such information as you possess, I beg that you will give me in your valuable paper the history of this bill, thus corroborating my information or correcting my inaccuracy. The Oregonian refuses to publish anything concerning this matter.

WILLIAM L. STARR.

The Deschutes is higher than for eight years past.

ON THE WATER FRONT.

Local agents of the British ship Beacon Rock, which is due to arrive next

Astoria, May 27.—Arrived down at 5 and sailed at 10:30 a. m., steamer George W. Elder for San Francisco. Arrived down at 7 a. m., schooner A. F. Coates.

Left up at 7:30 a. m., barkentine Northwest. Sailed at 10:30 a. m., schooner A. F. Coates for San Pedro.

San Francisco, May 27.—Sailed at 11:30 a. m., barkentine Northwest from San Francisco. Arrived at 6:10 and left up at 8 p. m., steamer Alliance from San Francisco and coast ports.

Sailed at 7 p. m., U. S. revenue cutter Perry for Seattle.

San Francisco, Cal., May 26.—Sailed, schooner William Bowden for Portland. Astoria, May 27.—Condition of the bar at 8 a. m., smooth; wind northwest; weather cloudy.

REACHES TOKONAMA. Word has been received at the local office of the Portland-Asiatic company that the oriental liner Aragona reached Tokonama Wednesday, and that she will sail for Portland. Nothing was said concerning the amount of freight she is bringing. The Niocomeda moved last evening to the flour mills, where her cargo will be completed. It is the intention to have her ready to sail Saturday morning.

ON THE WATER FRONT. Local agents of the British ship Beacon Rock, which is due to arrive next

SATURDAY NIGHT!!

Set of

Victor Knives

These sets consist of a bread, cake and paring knife.

18c THE REGULAR PRICE IS 35c **18c**

A SET SALE FROM 6 TO 9 A SET

Powers Furniture Co.

190 FIRST STREET The Store That Saves You Money

JOHN MANNING

Is running like a trained athlete. He is just now turning into the stretch, and the spectators in the political grandstand are preparing for the outburst of applause when he shall come under the wire a winner, with Jock Reed "outside the money."

His election to the office of district attorney is now assured. The best political judges concede this to be truth. It is a case of voting for a Democrat on the Democratic ticket, instead of for a Democrat on the Republican ticket. Besides, every one admits his fitness for the office. That he has demonstrated to the satisfaction of the people.

SPECULATE OVER SATOLI'S ERRAND

CATHOLIC CHURCH LEADERS OF AMERICA WONDERING WHETHER HIS ERAND'S VISIT IS MERELY TO SEE THE WORLD'S FAIR OR TO MAKE INVESTIGATIONS.

(Journal Special Service.) Washington, May 27.—Though they decline to discuss the matter publicly, it is known that the Catholic church leaders in Washington and elsewhere throughout the country are indulging in much speculation just now as to the real purpose of Cardinal Satoli's visit to the United States. His eminence sailed from Naples this morning, and it is understood that upon his arrival in New York he will proceed direct to this city. Several stories are current as to the object of the cardinal's visit, but all of these are palpably more in the nature of guesses than reasons. It is not believed in well-informed circles that he is coming solely to visit the St. Louis exposition, nor is it regarded as likely that the purpose of his trip is to officiate at the Moloney wedding, as announced in a recent Philadelphia dispatch.

More reasonable in the story that appeared in a recent issue of the Figaro of Paris, which declared that the real purpose of Satoli's visit was to institute an inquiry into the present condition of Roman Catholicism in the United States and to investigate serious difficulties said to have arisen between the apostolic delegate, Falconio, and a majority of the American bishops.

Want More Liberty. The American episcopate, according to a writer in the Figaro, is resolved to enjoy certain liberties, and finds it difficult to submit to the absolutism of Rome, which would impose regulations entirely at variance with American customs. The turn things are taking arouse a certain amount of anxiety at the Vatican, where a re-education of Americanism is apprehended.

Chief among the "regulations" referred to and regarded as entirely at variance with American customs is the papal letter issued about a year ago, calling for the re-establishment of the Gregorian chant in all of the Roman Catholic churches, and the elimination of women singers from the choir.

Subsequent to the issuing of this order a meeting of the archbishops of the country was held in this city to consider the matter. At the close of the session Archbishop Messmore of Milwaukee was quoted as having said that there would be no changes in the music of the American Catholic churches for the present, for it was the opinion of all of the archbishops that under the present circumstances it would be practically impossible to enforce the decree.

Gibbons Asked to Write. Cardinal Gibbons was asked to write to the Vatican of the facts which led to this decision, and to ask for advice and a modification of the decree which would make its enforcement possible. The archbishops then decided to do nothing more in the matter until a reply should be received from Rome. At the same time there appears to be some dissension among the American bishops, all of them not holding out for the decision of the Washington conference, but, on the other hand, appearing to favor the

Parasols FREE

On Wednesday June First

JOHN ALLESINA

will give away ABSOLUTELY FREE OF CHARGE

his entire stock of fine parasols to customers

Read SUNDAY JOURNAL for particulars

ALLESINA

TWO STORES

Store No. 1 Store No. 2

309 Harrison St. 236 Washington St.