

DECISION AFFECTS NON-SUPPORT SUITS

County Judge Cleeton Exceeded Authority in Refusing Jury Trial.

Holding that County Judge Cleeton exceeded his jurisdiction in not allowing Dean G. Ray a trial by jury in a non-support action, Circuit Judge Davis this morning allowed a writ of review sought by Ray's attorney.

The decision affects cases which have already been decided and which come up prior to the date on which the non-support law passed by the recent legislature goes into effect, 30 days after its passage. It also has the effect of ending habeas corpus proceedings in which the constitutionality of the present law is attacked. Deputy District Attorney Smiley, who represented the state in the case, declared that this decision by Judge Davis definitely fixes the constitutionality of the non-support law as the contention of those seeking to have it declared unconstitutional was that no appeal was provided.

Should have granted trial. Judge Davis held that Judge Cleeton should have granted the trial by jury as asked, that the order granting Mr. Ray \$50 a month for support and ordering Ray to pay medical, dentist, and hospital fees exceeded Judge Cleeton's authority, as the law provides that a specific amount must be named and the bills were ordered paid without naming any amount, and that the circuit court had appellate jurisdiction over the county court in these cases.

Under the law passed by the recent legislature, Deputy Smiley stated that Judge Davis' opinion will not have as great effect as in cases already tried and which come up before the law goes into effect. The new law provides that non-support be made a felony. As felons are only charged through indictments by the grand jury and must be tried by jury, the part of the decision touching the jury trial will be overcome by law. The legislature's action in raising Judge Cleeton to the circuit court and abolishing the county court will also change conditions.

Under the present law Judge Cleeton is given discretion in naming the sum to be paid for the support of wives and families. The new law provides that a week be paid for the support of a wife and 25 cents for each child, the total amount to not over \$175 a week. The new law makes possible the extradition of men who fail to support their wives and children.

The review of the Ray case will be taken up by Judge Davis Wednesday afternoon.

POLICE AND CIVILIANS GIVEN GRAFT MONEY

New York, March 10.—Implicating many civilian "higher ups" not before mentioned in the police graft inquiry in progress here, Rosa Hertz, a "resort" woman, gave testimony today. She declared that she and her husband for years paid tribute. Her confession followed a conviction in the court of general sessions. She named many persons who got her money, including both police and civilians.

WANTS COMMISSION TO REPLACE LEGISLATURE

Topoka, Kan., March 10.—Recommendations for a commission form of state government and the abolition of the present system of legislation were made in a special message submitted to the legislature today by Governor Hodges. He suggested that a commission of from eight to 15 members be elected to meet monthly to handle the state's business, including the enactment of all laws.

"AUSTRALIAN MACK" IS RETURNED TO CANADA

New York, March 10.—John McNamara, alias "Australian Mack," wanted at New Westminster, B. C., in connection with the robbery there of the branch Bank of Montreal, was turned over today to the Canadian authorities. He will be taken to New Westminster at once.

NEILL RETAINED AS LABOR COMMISSIONER

Washington, March 10.—President Wilson today sent the following nominations to the senate: Third assistant postmaster general, D. C. Roper, South Carolina. Third assistant postmaster general, Alexander Dockery, formerly general of Missouri. Fourth assistant postmaster general, James Blakemore, Pennsylvania. Commissioner of labor, Charles P. Neill.

SYSTEM OF COLLECTING WATER RENT BE PROBED

As the result of a communication received by the East Side Business Men's club, which held its luncheon today at the Grand Union restaurant, 350 East Burnside street, C. T. Hall, secretary of the organization, will make an investigation of the charges by J. Adams that under the new system of collecting water rents it has cost the city \$16,000 additional in the past two months. He claims that 20 additional clerks are necessary in the day time and 15 at night.

It was also decided at this meeting to hold a children's parade on the east side during the Rose Festival. A committee including L. H. Wells, L. M. Lepper and Dan Kellner was named to cooperate with the Northeast Portland Improvement club in its plans for a celebration on the occasion of the opening of the new Broadway bridge.

NATIONAL MINIMUM WAGE LAW PROPOSED BY INVESTIGATORS

(Continued From Page One.)

providing a \$12 weekly wage were passed in Illinois, it would drive many concerns out of business. "It might not be harmful to business if a federal law to that effect were adopted," he added. "I would like to ask the committee a question. If we pay the girls in our employ a minimum wage of \$2 a day, what shall we pay a man with a family?"

George Lytton, vice president of the Hub department store, was the next witness. He testified that his company makes presents to its employees. The plan was voluntary, he said, on the part of the company, and can be terminated at will. The lowest wage paid women by his company, Lytton said, was \$6.50 a week, but a girl receiving a \$12 weekly wage would be paid under the gift plan, amounting to about 2 per cent of her weekly salary. Lytton refused to discuss the profits of his concern. He thought a girl could live on \$5 a week.

Up to Girls' Families. "Your minimum is \$6.50, you say," said Senator Juhl. "Do you think you can give the \$150 difference?" "Their families should," answered the witness.

Lytton promised to furnish an itemized statement, showing how a girl could live on \$8 a week. He admitted his company could afford to pay girl employees a minimum wage of \$12 a week but objected to such legislation, "because raising unskilled labor necessitates an advance in the entire wage scale, and those now getting \$12 would demand \$15, and those \$15 would demand \$20, and so on."

Rockefeller Denies Invitation. New York, March 10.—At the office of John D. Rockefeller Jr., here today, it was denied that any invitation to the Chicago wage investigators had been sent by Rockefeller, who leaves here tomorrow for a six weeks' vacation.

Wants State Vice Board.

Sacramento, Cal., March 10.—Declaring that the greatest social evils result directly from the lack of a living wage for women, and that conditions in California were as flagrant in this respect as in Illinois and other eastern states which are investigating the relation of wages to white slavery, Assemblyman Arthur Shannon of San Francisco announced today that he would propose the creation of a state vice commission.

Girl Workers to Testify.

Los Angeles, March 10.—Testimony of girl employees in department stores and laundries will be heard tonight by the Los Angeles municipal commission investigating women's wages. The session will be held behind locked doors to protect girl workers who fear to testify openly.

E. R. BRYSON RESIGNS AS DISTRICT ATTORNEY

Salerno, Or., March 10.—E. R. Bryson of Eugene, prosecuting attorney for the fourth prosecuting attorney district, has submitted his resignation, which has been accepted by Governor West. The governor today appointed E. E. Wilson of Corvallis to fill the vacancy. Attorney Bryson gave as his reason for his resignation the press of personal business.

EARTHQUAKE DESTROYS TOWN IN GUATEMALA

Washington, March 10.—Causing great loss of life and property, an earthquake destroyed the town of Guajmiquila, Guatemala, Saturday, according to advices received today from the United States minister to that country. The quake covered a radius of 15 miles and communication with the district is severed. Relief expeditions have been sent to the stricken town.

REBELS CAPTURE NACAZARI CITY

Fight Lasts 12 Hours; Garrison Allowed to Retreat to Agua Prieta.

(United Press Leased Wire.) Douglas, Ariz., March 10.—Following a 12-hour battle in which many are reported to have been killed and wounded, the rebels occupy the town of Nacazari, 50 miles south of the border, today.

The federal garrison evacuated the town late last night under a flag of truce, and 121 of its original 171 members marched, weary and bedraggled, into Agua Prieta, opposite Douglas, today. How many of the 50 missing are dead or wounded is not known.

The federal garrison at El Tigre, an important mining center, also fell before the Nationalists late yesterday. The government's commander surrendered without firing a shot and marches out of the town. Armed townspeople harried the federalists in their retreat southward, killing four and wounding 11, according to reports received at Agua Prieta today.

General Ojeda, in command of the federal forces at Nacazari, withheld all possible information of the defeat of the government forces at Nacazari. Various accounts of the battle, however, were furnished by stragglers from the town who followed the federalists in their flight. According to these stories the rebels greatly outnumbered the federalists, who offered a desperate resistance. Many rebels were killed in addition to the heavy federal losses which seem certain.

Border Town Panic Stricken.

Nogales, Ariz., March 10.—Nogales, Sonora, was thrown into a panic today when a report was circulated that several hundred rebels, encamped 15 miles south of the town, were marching toward the border. Scores of refugees, carrying their valuables, fled to the American side of the international line.

Colonel Emilio Kosterlitzky, commander of the Sonora rural police, arrived here during the night to take charge of the situation. Under his command are 250 rurs and 250 lieutenants, the latter comprising the garrison, which is commanded by Colonel Reyes. Juan Cabral, former Madero official, is at the head of the rebel force. Reports last night, when the rebels moved to their camp south of the town, were that the forces comprised about 500 men. Today it was reported that their number ranges from 600 to 1000.

The safes and books of the Mexican custom house were moved to the American side of the border during the night. Wagon loads of household goods, trailed by livestock, were brought across today.

HE SUES BECAUSE OF UNDELIVERED MESSAGE

(United Press Leased Wire.) Seattle, March 10.—Because he failed to receive a telegram sent by his wife, December 3, 1910, to St. Paul, Minn., while he was temporarily absent from his home in Seattle, advising him of the serious illness of his baby girl, Charles E. Corcoran is suing the Postal Telegraph Cable company for \$2100 damages.

The father says he was in ignorance of the baby's subsequent death and burial until he returned to his home to find his wife suffering great mental anguish over his apparent indifference and neglect. Trial of the case was begun this morning before Judge Dykeman.

Klamath Justice in Quandary.

(Special to The Journal.) Salem, Or., March 10.—E. W. Gowen, justice of the peace at Klamath Falls, is in a quandary, and has written the Attorney General Crawford for advice. He says in January a game warden arrested a man who had beaver skins in his possession. The man was fined and the skins were confiscated. The justice of the peace has the skins, he doesn't want them, and he doesn't know how to get rid of them without himself becoming a law violator. The assistant attorney general is looking into the matter.

SCALDED BY SOUP, LAD IS DEAD TODAY

John Warner, 18 months old, who was scalded by a kettle of boiling soup Friday afternoon at the home of his parents, Mr. and Mrs. John Warner, 1127 East Twenty-fifth street north, died Saturday night at Good Samaritan hospital. The child's mother was attempting to warn him away from danger, when a towel which she was waving at him caught in the handle of the soup kettle on the stove and tipped its contents on the youngster.

Chief of Police Slover says that no report of the accident was made to the police station by the hospital authorities, though the city ordinances provide that reports of accidents shall always be made.

Warner, the father, is a waiter at a local hotel and arrived with his family from Germany a short time ago.

ARSON TRUST PAID \$400 TO \$1500 A FIRE

(United Press Leased Wire.) South Bend, Ind., March 10.—Confession that a nation-wide "arson trust" exists was made here today by Ben Fink, alias Finkelberg. He admitted that 30 fires in Chicago and numerous others in western cities, aggregating a loss of \$500,000, were of incendiary origin.

Fink implicated 50 Chicago and New York insurance adjusters and 100 others. He declared that Adjusters Spira and Zar of Chicago, whom he says are heads of the trust, paid him from \$400 to \$1500 for each building fire. Spira and Zar sometimes receiving as much as \$10,000 for each building destroyed.

RESUME HEARING IN WINTERS ESCHEAT CASE

Hearing of further testimony in the efforts of Mrs. Carrie B. Winters Aker of Ontario, Or., to substantiate her claim of relationship to Henry D. Winters, wealthy east side recluse who died two years ago leaving an estate of about \$100,000, was resumed this morning by Judge Cleeton.

Last December Mrs. Aker's testimony was taken and today the testimony of Mrs. M. J. Mann and A. W. Lyons was given to the effect that the photograph of Henry D. Winters was that of a Winters who lived in Worthington, Conn., about 2 years ago. E. Brons testified that Winters succeeded a young man to him as his nephew during the Lewis and Clarke fair.

The testimony now being taken is of the relationship of heirs represented by Barge E. Leonard, Manning & White and Leslie J. Aker, an attorney of Ontario. The testimony of the numerous other claimants will be heard later. Many depositions are to be read at the present hearing from claimants in Johnstown, N. Y., related to Mrs. Aker. The state is also a claimant and steps are to be taken to escheat the estate.

Project Farmers Pay Under Protest.

(Special to The Journal.) Klamath Falls, Or., March 10.—The farmers of the Klamath project, to make sure of having water, will not refuse to pay the operation and maintenance charges. While they feel that the charge is high, even if it is legal, they do not propose to postpone payment. If the charge has been made contrary to law, the money will be refunded. The government ruling is that all such charges must be paid within ten days after the supreme court of the United States renders a decision. If the decision is favorable to the reclamation service, this rule would work a decided hardship on Klamath irrigationists. They find it easier to pay when they have arranged to pay than on such short demand.

Rabid Dog Kills Sheep at Durkee.

(Special to The Journal.) Durkee, Or., March 10.—A sheep dog, supposed to have become infected while defending a sheep camp near here against the attack of a pack of rabid coyotes, two of which the dog killed, later went mad. Twenty-five sheep were killed by him in one night. The camp-tender shot the dog. As other dogs of the neighborhood were bitten by him, they are being closely watched.

Confer K. of C. Degrees at Pendleton.

(Special to The Journal.) Walla Walla, Wash., March 10.—A delegation of 30 members of the local order of Knights of Columbus left on a special car Sunday morning for Pendleton, where they assisted in the organization of a chapter. A class of 50 candidates was initiated, the Walla Walla team conferring the degrees. The local delegation returned Sunday night.

The German government has compiled a chart showing the principal wireless stations throughout the world.

MEN SPAT IN FACES OF SUFFRAGETTES

Senate Committee to Get Affidavit by One of Women Marchers.

(United Press Leased Wire.) Washington, March 10.—Admission that 575 policemen were unable to maintain order on Pennsylvania avenue here March 3, the day of the suffragette parade, although 187 patrolmen kept that thoroughfare clear on March 4, was made today by Major Richard Sylvester, head of the metropolitan police department, when he resumed the stand before the Jones senate sub-committee, investigating the failure of the police to protect the women marchers.

Miss Janet Richards gave damaging testimony against the police. She swore that at one point of the parade a sergeant and 17 patrolmen abandoned their work, making no effort to protect the women marchers. Miss Richards furnished the numbers of the policemen whom she alleged were derelict in their duty.

An affidavit that certain men deliberately spat tobacco juice into the faces of the women marchers was given to Miss Alice Paul, a leading Washington suffragette today by Miss Patricia Street. Miss Paul declares she will present it to the investigating committee.

Mrs. E. D. Calkins Dies at Hood River

(Special to The Journal.) Hood River, Or., March 10.—Mrs. E. D. Calkins, age 74 years, one of the pioneers of Hood River, died at her home near the city Friday, March 7. Mr. and Mrs. Calkins came to Hood River in 1858. They were married at Americus, Kansas, in 1877. Besides a husband, one son, Thomas, survives. Mr. Calkins belonged to the famous Iron brigade of Wisconsin and lost one leg at the battle of Antietam on September, 1862, and after the limb was shot off he stood guard for two hours. The funeral will be held Sunday. Rev. H. A. McDonald will officiate.

Joaquin Miller Left \$53,000.

(United Press Leased Wire.) Oakland, Cal., March 10.—Mrs. Abbie Miller, widow of Joaquin Miller, was appointed administratrix of her husband's estate here today. Mrs. Miller filed an inventory showing \$50,000 worth of real estate, \$500 in cash, \$500 in royalties and \$3043 personal property. Miller left no will.

Mrs. Herter Is Dead.

Santa Barbara, Cal., March 10.—Mrs. Christian Herter, a society leader in New York and Washington a quarter of a century ago, died at her winter home here today. Her son, Albert Herter, a painter, was at her bedside.

DATES SELECTED FOR LAND PRODUCTS SHOW

The land products show was dated for November 1-8 inclusive by the directors of the organization at a meeting in the Commercial club this afternoon. John S. Beall was elected president; J. Fred Larson, vice president; Royal W. Raymond, secretary; Wilfrid B. Jones, treasurer. An executive board was elected from a list of seven nominees, as follows: Wilbur E. Coman, H. J. Ottenheimer, A. P. Bateham, Wilfrid P. Jones, Julius L. Meier. On the board of 18 directors the names of W. D. Skinner and E. D. Timms were substituted for Frank W. Power and G. E. A. Bond, on the last year's board. The list now standing: A. P. Bateham, W. P. Jones, H. J. Ottenheimer, Francis Sealy, William McMurray, C. A. McCargar, E. D. Jorgensen, J. Fred Larson, W. H. Chapman, John S. Beall, M. A. Mayer, E. D. Timms, W. D. Skinner, W. J. Hoffman, F. W. Hill, Julius L. Meier, W. E. Coman, F. H. Page.

There was no discussion to give body to the rumor that the land products show would not be held. C. C. Chapman said a legislative act made it possible to get \$5000. A. P. Bateham, president of the state horticultural society, said the legislature did not appropriate money for fruit prizes and this fund would have to be obtained elsewhere this year.

M. J. Costello Visitor Here. M. J. Costello, assistant traffic manager of the Great Northern Railway company of Seattle, is in Portland today, en route from San Francisco. He reports considerable business activity in the sound city.

Mutualists Plan Rally. A rally will be held by the S. E. Mutualist association at Forty-second and Gladstone streets tomorrow night at 8 o'clock. A musical program will be the feature.

SOCIALISTS EXPEL 'YELLOW' LEADERS

Rank and File of Barred Locals Must Go Through "Purging" Process.

(United Press Leased Wire.) Tacoma, Wash., March 10.—By the adoption of a resolution before the noon recess today, delegates to the state Socialists' convention, forever barred E. J. Brown, Joseph Gilbert, George W. Scott, M. J. Kennedy and other Seattle "yellow" leaders from the party in this state, and fixed the time limit at three months for others to apply for membership or reinstatement in their own or other local in the state. The resolution also bars from membership in the future any member of the Socialist party who has been expelled twice or who is convicted of party treason.

Expelled Seattle locals will not be allowed to return to the party under any conditions. Members who have been expelled once must "educate" or purge themselves of "yellow" principles during the next three months if they wish to return to the "red" fold. This includes Homer T. Bone, August Eshaus and Mrs. Alice Yarnell, and other conservatives.

Tacoma local No. 6, which was expelled at last night's session, was reinstated today after delegates had explained to the general committee that they had been led astray through ignorance on their part and through the alleged political designs of others. It was reported that the party has but \$408 to meet the per diem of \$2 assured the delegates. Of this \$222 will be expended in giving full pay to delegates from 37 locals, while delegates from 65 locals will receive but \$2.33 each for three days' time.

Globe Theatre

ELEVENTH AND WASHINGTON

TODAY

EXTRA

President Wilson Inauguration

First Moving Picture Shown

BIG

Guns for Modern Warfare
Machinery for Modern Industry
Advertising for Modern Business

Bill Board Advertising Is Big Advertising

Colors

Why put them on your packages?
To identify them!
Then why not teach the people what to look for?
Bill Board advertising places your Products before the People true to Colors.

Portland Population --- The Outdoor Circulation

East 1111 **Foster & Kleiser** Home B 2224

East Seventh and East Everett Sts.



CELESTINS
VICHY
Natural Alkaline Water

Used at meals prevents Dyspepsia and relieves Gout and Indigestion.

Ask your Physician

VICHY
CELESTINS



March the most trying Month

March with its raw, rough winds and uncertain weather, is a month of extreme danger to those who have allowed their systems to run down under the strain of winter which thins the blood and lowers the vitality.

Begin now and enrich your blood and recover your strength. Fortify your system against the disease germs which are circulated by the strong March winds and which are ever ready to attack by using

Duffy's Pure Malt Whiskey

It is the most helpful tonic stimulant the run-down, weak and sickly can take. It improves digestion and nourishes the body, thus restoring strength.

Sold by Druggists, Grocers and Dealers at \$1.00 a bottle.

THE DUFFY MALT WHISKY CO.
ROCHESTER, N. Y.