

THAT HEUSNER HAS NO TRACK RIGHTS

Attorneys for Those Seeking Injunction to Prevent Third Rail on Broadway, Are Fighting Intervener.

The right of George F. Heusner to intervene in the suit of the Imperial Hotel company to restrain the Portland Railway, Light & Power company from laying third rails on Broadway was argued yesterday afternoon before Circuit Judge Davis and left undecided last evening. It will be taken up again this afternoon at 4 o'clock.

Attorney L. A. McNary, representing Heusner, claims that having spent \$20,000 already and having the authority of a resolution of the city council, Heusner has a strong interest in the case and should be made a party. Attorney Isaac H. Hurd, representing the hotel, argued that a resolution of the council could give no franchise, as the charter provided that franchises must be given for specified times and by ordinance.

Heusner asked for a franchise on Broadway, but the council gave the franchise to the Portland Railway, Light & Power company instead.

Deny Heusner's Right.

On account of the fact that Heusner announced that he would appeal to the people in June a resolution was passed that it was the sense of the council that a franchise should be granted to Heusner in the event that the P. R. L. & P. Co.'s franchise be passed. After the passage of the franchise Heusner made an agreement with the P. R. L. & P. Co. by which the company was to lay the third rail as laid the own railway.

Attorney Hurd, Attorney Dan J. Maloney and Attorney J. J. Fitzgerald, representing Broadway property owners, argued that the resolution and the contract secured by Heusner gave him no rights in the present suit. They declared that the P. R. L. & P. Co. is laying the rails and that Heusner is an outside party. According to them the present suit is to restrain the P. R. L. & P. Co. from laying further third rails and that he must take up the work should the injunction be secured in order to gain an interest.

Narrow Gauge Understood.

Should he take this work of laying the third rails up they declared proceedings would then be instituted to bring him into the case. They contended that Heusner will have no legal rights on Broadway unless the people at the June election grant him a franchise.

Attorney Harrison Allen, representing the P. R. L. & P. company declared that his company is willing to lay the third rails for Heusner and carry out its contract to the letter if the court does not enjoin it from doing so. He stated that the franchise as the type provided for the construction of double tracks, leaving the gauge of the tracks to the discretion of the company.

Letters which passed between the company, the city and Heusner were read and contained frequent reference to "narrow gauge" tracks as the type projected. A letter by Heusner showed that he understood that the P. R. L. & P. company proposed to lay only narrow gauge tracks.

MAN OCCUPYING CELL SORRY NOW HE WED

It was a whirl with chance that Edmund T. Mills took when he married a comely widow at Sioux Falls, S. D., 12 months ago, and the same, he says, has proved not worth while. Locked in a solitary cell, Mills is today reflecting over his escapade.

The city's detective bureau and private detectives are also on the track of other women whom Mills is accused of wronging. One lives at Pueblo, Colo. Another lives at Wheeling, Va. where he served a term in the prison for forgery, marrying the woman soon after his release, they say.

Mills posed as an enthusiastic church worker at Pueblo. He also showed considerable religious tendencies at Sioux Falls. It was under such pretenses that he gained entrance into the first acts of that city.

The charge against Mills at the police station is that of forgery. He is accused of forging notes to the amount of \$1200 on a bank at Sioux Falls. He secured \$500 in cash from his wife and some jewelry, it is charged. This happened two months ago. He left Sioux Falls, going to Canada, then to Colorado, then to Portland, where he has been for 19 days. J. A. Smith was the name he used and the name under which he married the widow. He has been stopping at the Ruiner hotel, dressed in fashion, and is a good conversationalist. The woman arrived yesterday, but the man does not know of her presence. Detectives Price and Royce arrested Mills as he was packing his trunk to leave the city.

FINED FOR SELLING SHORT WEIGHT BUTTER

Found guilty of selling butter which weighed only 21 ounces when it should have weighed 32 ounces, the manager of the Union Meat company was fined \$15 yesterday afternoon by Justice Bell. Another fine of \$25 was imposed for not having marked on the butter the name of the butter and "full weight."

The charges against the meat company were brought by the food and dairy commissioner. The butter was purchased at about 15 cents a pound by one of the deputy commissioners. An attempt was made to show that in some instances the butter weighed over 32 ounces, when put up into rolls. Notice of appeal was given after the fines had been imposed.

This charge was one of several made against various packing plant and manufacturing concerns for selling food which was underweight. In all the cases so far, the food commissioner has secured a conviction.

WANT MACADAM STREET KINK STRAIGHTENED OUT

A delegation of manufacturers of South Portland visited the city hall today to demand that immediate action be taken to straighten out a kink in Macadam street near the intersection of the street with Hamilton avenue.

The city engineer and the city attorney have been negotiating with owners of property near the straightening of the thoroughfare, but the improvement has been delayed on account of a controversy as to the ownership of the property involved.

JUDGE'S INTENTIONS ALL RIGHT, BUT HE MISCALCULATED DATE

Anyway, it wasn't the fault of Circuit Judge W. N. Gatens, ardent baseball fan, that he is. His honor had the best intentions in the world and 28,000 odd school children in the public schools of Portland would have enjoyed a half holiday to celebrate the opening of the baseball season here Tuesday afternoon.

That's what made all the trouble. Last Saturday the judge requested that the school children be allowed their liberty Tuesday afternoon for the little fans and families would have an opportunity of witnessing the opening game. His petition was directed to the school board, which has the sole power of taking such action.

If the board had only met sooner maybe the request would have been granted. But the time for the regular meeting was set for this afternoon, Thursday, April 17, just two days too late. The request will be considered by the board this afternoon.

"If the judge had only known this," if—anyway, it was not the fault of the judge, now was it?

TELLS COUNTY SCHOOL DIRECTORS TO WAIT

Letters are being sent out today by County Superintendent of Schools Armstrong to chairmen of school boards in the county and to the school directors, asking them to defer choice in their selections of teachers to fill vacancies in their school until such time as really desirable and qualified teachers can be obtained.

"Numerous applications are made at this office and to the boards," said Mr. Armstrong this morning, "for positions to teach in some school in Multnomah county. A desirable teacher sometimes asks whether application will be considered by a board, conditioned on the release of such person is elected to a position in some city system."

"It is scarcely possible for all such to obtain schools in towns or cities. This fact will enable rural districts to secure those splendidly qualified, by deferring choice for a time."

INFERS LINE SEEKS TO SHUT OUT S. P. & S.

The affidavit of William F. Turner, secretary of the Spokane, Portland & Seattle Railroad, filed in the injunction proceedings instituted by the O. W. R. & N. company to stop proceedings of the S. P. & S. company from further action regarding the use of the new railroad bridge, intimates strongly that the O. W. R. & N. is merely carrying on its policy of blocking the S. P. & S. from the east side. Mr. Turner declared that the O. W. R. & N. fought the S. P. & S. in its efforts to secure franchises on east side streets a few months ago, and succeeded in keeping the S. P. & S. from getting franchises on several streets, including East Second.

Following the passage on January 3 of the ordinance granting the franchise, Mr. Turner declared his company made an agreement with the O. W. R. & N. regarding the use of the streets on which the franchise was obtained. His company also started operations in laying tracks and is making improvements which will cost \$3,000,000, including an eight story modern reinforced concrete freight warehouse. The company also has laid in the warehouse district which cost \$1,411,753.69 net.

The agreement regarding trackage and the expenditures were made, it is claimed, with reliance on the use of the new bridge. Should the use not be granted the S. P. & S. secretary claims that the franchise would be damaged to a great extent and that great inconvenience would be caused to merchants of the east side and to the public.

INSURANCE COMPANY SUED BY WAKEFIELD

Failure to keep its contract to make good damages against loss by injury to employees, Robert Wakefield yesterday filed suit in the circuit court against the Fidelity & Deposit company, of Maryland, for \$9991.25. Wakefield recently lost a suit for damages by E. H. L. Grosvenor, an employee injured on the new railroad bridge, and was assessed \$8500 damages. Grosvenor settled for \$4500 when Circuit Judge Davis announced that he would grant a new trial. Wakefield now claims that the insurance company has failed to make good the \$4500 and expenses of the damage suit which total the amount asked in the present suit.

Can't Be Punished.

Though Fred Vance broke the terms of his parole, granted in March, 1912, nothing can be done, under the old charge, to punish him, as the year sentence he received from Circuit Judge Kavanaugh when he pleaded guilty to contributing to the delinquency of a minor has run out. Proof that he wronged the girl in the first case again after his parole has been found and a new indictment charging seduction will be sought. He was arrested in Los Angeles yesterday by the police and is held pending the securing of requisition papers.

To License Friedmann.

(United Press Leased Wire.)

Washington, April 17.—A bill granting Dr. Frederick F. Friedmann, discoverer of a reputed tuberculosis cure, license to practice in the District of Columbia was introduced in the senate today by Senator Hughes of New Jersey.

Dr. Friedmann is anxious to open headquarters here.

Senator Hughes eloquently urged immediate consideration of the Friedmann bill, but Senator Gallinger, who is a doctor, objected and the measure went to committee. Senator Penrose of Pennsylvania also opposed the bill.

CITY PRINTING BIDS FOR YEAR ARE OPENED

Bids for city printing for the fiscal year, commencing June 1, were opened by City Auditor A. L. Barbur this morning.

The Guide Publishing company submitted a bid of 8 cents an inch for six point type. The Abstract Publishing company submitted a bid of 20 cents an inch, and the Examiner a bid of 31 1/2 cents a column.

The latter bid does not specify how long or how wide a "column" shall be and is thought to be irregular. All bids will be submitted to the ways and means committee of the city council this afternoon.

The Examiner was the successful bidder for city printing last year with a bid of 14 cents an inch. The type specified in last year's contract, however, was smaller than that required in this year's specifications.

HEPHERD, SAYS WHEELER

Health Officer Says But Four Scarlet Fever Cases Were Reported in Irvington.

City Health Officer C. H. Wheeler today denied that there has been any epidemic of scarlet fever in the Irvington district this year and in support of his statement he points out the fact that there were only four cases of the contagion reported during March from the Irvington district. The health officer's denial was elicited by a letter received by Mayor Rushlight yesterday from the Irvington Mothers' circle, in which Dr. Wheeler was charged with having been dilatory in fumigating the Irvington school after three pupils of the school had taken sick with the fever.

"While all the cases that came under my observation in that district," said Dr. Wheeler, "were contracted outside of the school, I nevertheless had the entire building fumigated and that there was no spread of the disease from the school is indicated by the fact that only four cases in all were observed in the entire section tributary to the school."

"Irvington fared better than some other sections of the city during March in point of the number of cases of scarlet fever recorded. There were 31 cases in all throughout the city and yet there was no epidemic in any locality. I feel that the criticism contained in the letter from the mothers' circle is unwarranted and undeserved."

"The Irvington Mothers' circle wishes to bring to the mayor," the letter received by the mayor, "a vigorous and unqualified protest against Dr. Wheeler's attitude toward our recent scarlet fever epidemic."

"From the time the first case was reported until the fumigation took place a period of nine days elapsed. The work was then done only as a result of the persistent importuning of the parents."

"Such dilatoriness," continues the letter, "leads us to the conclusion that Dr. Wheeler is either uninformed as to the seriousness of this particular disease to children, or that he is criminally negligent and the lives of our little children are not safe in his hands."

FRIENDS UNITE TO SUPPORT MRS. KERR

A large number of friends of Mrs. James B. Kerr met in the auditorium of the Young Women's Christian Association yesterday afternoon for the purpose of taking steps to assist her candidacy for a position on the board of education. Mrs. Kerr is now a member of the board by appointment.

The meeting, an enthusiastic one, was attended by a large number of women, and several addresses favoring Mrs. Kerr were made. Among those who spoke were Richard W. Montague, Dr. Benjamin Young, Mrs. Sarah A. Evans, Mrs. Millie Trumbull, Mrs. A. Fels, Mrs. Robert French, Miss Bain, Mrs. Robert Lewis, Mrs. William Brewster, and Mrs. Allan Gillis.

Mr. Montague declared that Mrs. Kerr has already shown herself to be an excellent official and said she should be elected.

Choosing as his topic "The Woman with the Broom," Dr. Young declared that the woman who sweeps the dust out of "corners and let in the light."

Following the calling of the meeting to order, Mrs. Vincent Cook was elected chairman and Mrs. A. B. Slauson, secretary. After the addresses had been made, Mrs. J. C. Elliott King made a motion for the committee of five to direct Mrs. Kerr's campaign, be appointed by the chair. It was passed. This committee will be empowered to name a representative from each precinct in the district to act as a campaign board of managers.

The following were appointed to the committee: Mrs. Ben Seeling, Mrs. James Laidlaw, Mrs. B. Seelye, Mrs. R. Donald, and Mrs. Staiger.

Acting on a suggestion made by Mrs. Trumbull, another meeting probably will be held in the near future to give Mrs. Kerr an opportunity of explaining her platform in regard to these subjects: Pupil-teachers; basement playgrounds, vacation schools, vocational direction and psychological examination.

DANISH CONSUL IS INVESTIGATING TRADE

J. F. Bogdild, consul for Denmark at San Francisco, was in Portland yesterday afternoon en route home from Copenhagen, where he has been for a number of weeks investigating possibilities of trade extension between the country he represents and the Pacific coast upon the completion of the Panama canal.

Mr. Bogdild, with Danish Vice-Consul Henry Harkness, stationed at this place, visited the Post Office yesterday afternoon and was asked to have a lot of data on Portland and its shipping prepared for his home government, which will be done. He stated that the Danish government is very much interested in Oregon and the Pacific coast as a whole.

"Denmark has no surplus of wage earners," said Consul Bogdild, "but has to import help, and hence I do not look for a very large emigration from Denmark to the Pacific coast, but some of our people come over, because there are always a number of people imbued with the spirit of trying their luck in a new country. The possibilities for development of the dairy industry, however, may induce a good many to come here from the Scandinavian countries for they are staunch believers in diversified farming and dairying and understand that method of farming, which is bound to be the most successful in this state."

Consul Bogdild left for San Francisco last night.

Arrested for Desertion.

On request of the county court of Multnomah county, the sheriff of Clatsop county arrested Harry Staton this morning for desertion and non-support of his wife and 11-month-old baby. Staton was preparing to leave for Alaska on a fishing boat.

Inspect County Farm.

County Judge Cleeton and Commissioner Lathrop spent the day watching the potatoes grow at the county farm and enjoying the sunshine. The visit was one of the frequent inspection trips taken by the county court.

MacDonald to Be Tried in July.

(United Press Leased Wire.)

Juniata, Alaska, April 17.—Joseph MacDonald, wealthy mine owner, will be tried July 8 for the murder of N. C. Jones, a mission worker, 11 years ago. The date was set today by United States District Judge Lyons.

ASTORIA LUCKY

In All Austria None Was So Fair as Valeria—And George Gets Her.

When George Cotch of 587 Thurman street makes up his mind to do a thing he does it. That is why he is a happy man today, and it also explains why Miss Valeria Morech, just over from Austria, with a face round and pretty, and beaming like a full moon, is to marry him next Sunday instead of becoming the bride of a Chicago man who made her think she loved him—until Cotch proved to her that she didn't.

"There was also a flood and a big windstorm for Cotch to overcome—but what are winds and flood when one is in love with a girl," he said, grinning with the air of a man who is pretty well satisfied with things, told Chief of Police Slover all about it this morning and invited the chief to the wedding.

It happened like this. Of all the girls he knew in the Austrian fatherland, Cotch liked one best, and she, needless to relate, was Valeria. So, having made it well known here, Cotch sent back for her to come to Portland to be his wife, and three weeks ago she started on the long journey.

Everything went smoothly until just before she reached Chicago. Then she had occasion to ask a countryman to interpret something for her. The countryman proved a man of some talent in making love himself, and given this opening, he pressed his suit so ardently that in a girly Miss Morech had forgotten all about her George here in Portland and had consented to marry her friend of the train.

Somehow an inkling that something was wrong reached Cotch, especially when his bride-to-be did not appear, and he asked Chief Slover to help him. Through the Chicago police, the chief learned the girl's address in Chicago, and then like a dashing young Lochinvar, Cotch was off to get her.

As had been said, when Cotch makes up his mind to do a thing he does it. When he arrived in Chicago and found his rival had gone so far as to get the marriage license, and that all preparations were made for the wedding. But it didn't take her long to change her mind after that, and the Chicago man got the mitten without any ado, while she left for Portland with her brother-in-law. She was delayed by floods and the windstorm, she told Cotch—but well, you know.

They will be married Sunday at the home of the brother-in-law, Mr. R. Mitrovich, at 594 Raleigh street. Sergeant Tom Casey, the chief's secretary, who also helped to make the romance and happily, will be a guest with the chief.

COMMITTEE OF 100 WILL BE ENLARGED

Interest in the Second World's Christian Conference to be held in Portland June 23-July 4 has become so enthusiastic that Secretary J. E. Werlein and General Field Manager Dr. James S. McGraw stated this morning the committee of 100 will be enlarged in order to better distribute the work that is now coming before the various subcommittees into which it has been divided.

Next Monday the executive committee of the committee of 100 of which Mr. Werlein is also secretary will meet at the Commercial club with the chairman of the various subcommittees for the purpose of ascertaining what has been accomplished since the meeting of the committee of 100 about ten days ago, when the chairman of the subcommittees were announced by President T. W. Foster. Monday's meeting will therefore give the first real indication of what the program for the conference will be, outside of the fixed program of speakers.

CHARTER COPIES NOT DELIVERED, THEY SAY

City Auditor A. L. Barbur has received complaints from residents of many sections of the city that no copies of the commission charter pamphlet were delivered to them. He wishes all who have not yet received their copies to notify him at once by letter or on the telephone.

A distributing company has the contract for the delivery of the charters to every voter in the city, and the city auditor notified the company today that it would not be paid by the city until the terms of the contract have been complied with.

DR. OLMSTEAD IS STILL UNCONSCIOUS IN YAKIMA

(Special to The Journal.)

North Yakima, Wash., April 17.—Dr. Olmstead of Portland, taken unconscious from a Western Pacific train at this station, lies at St. Elizabeth's hospital in a precarious condition, suffering from uremic poisoning. His condition on the train was first noticed by the conductor at Ellensburg, when Dr. Olmstead was lying unconscious in a seat in the Pullman coach. He has not been conscious since.

Murdered Chinese Buried.

Chung Ah Gong, one of the two Chinese who were murdered in the tong war here several weeks ago, was buried this afternoon in the Chinese section of Lone Fir cemetery. Very quiet, almost secret funeral services were held in Dunning & McIntire's funeral chapel at 2 o'clock. The matter of the time and arrangements for the last services were kept very close for fear on the part of friends of Chung Ah Gong that members of the opposite tong faction would take steps to interfere.

The other man killed, will be sent back to China some time next month, when a boat sails from this port for that country.

COMPANY ADMITS FAULT; JURY AWARDS \$1500

After both Attorney Corliss, for Mrs. Emma A. Gell, and Attorney Loneragan, for the Portland Railway, Light & Power Co., had argued the jury in Circuit Judge McGinn's court, which tried the damage suit of Mrs. Gell, that the only point to be determined was the amount which was to be awarded, the jury brought in a verdict for \$1500 damages against the company. Mrs. Gell was injured in a collision on the Woodlawn line on December 5, 1912, as she was on her way to work as a telephone operator. The company admitted responsibility for the accident, but contended that her physical condition was due to family troubles more than to the shock of the collision. Mrs. Gell refused to settle the case for less than \$3500, and it was submitted to the jury. She sued for \$5000 damages.

THE ANNEX HOTEL

Twelfth and Washington Charles H. Rowley, Mgr.

MODERN—FIREPROOF—FIRST CLASS

150 Rooms—Rates Reasonable—Daily, Weekly, Monthly

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CIRCUIT JUDGES TO SIT EX BANC

Mandamus Case Against County Clerk Will Be Argued.

That the question of the acceptance of papers in cases which were filed during ex-County Clerk Fields' administration may be settled for good all five of the circuit judges will sit ex banc tomorrow afternoon to hear arguments on the mandamus proceedings brought by Attorney Ralph R. Dunaway and Clarence Wheeland to compel County Clerk Coffey to accept an order in the suit of A. M. Haradan against the Queen Insurance company.

County Clerk Coffey is to be represented by Attorneys Bowerman and Fulton, and District Attorney Evans will appear for the county court. The trouble arose over the failure of Mr. Fields to turn over funds of the unearned fee fund amounting to over \$15,000 when he gave up office. The money was involved in the failure of the American Bank & Trust company. Mr. Coffey refused to accept papers in cases in which balances were standing on the ground that he might be involved in the shortage.

A mandamus was secured by Attorneys Woods, Montague and Hunt, and for a time he accepted the papers. A few days ago he stopped the acceptance and announced that all fees in these cases must be paid again, as papers were filed. Attorney Dunaway attempted to secure an order from Circuit Judge McGinn to compel Mr. Coffey to accept the order but failed, and the mandamus proceedings resulted. Mr. Dunaway declares he has a balance of \$510 in unearned fees.

District Attorney Evans gave an opinion advising Mr. Coffey to accept the papers and pay the county treasurer but 71 per cent of the amount that should be earned, as that was the per cent Mr. Fields turned over. Mr. Coffey's attorneys advised him that he should be passed upon by the company and should furnish the company with a guarantee that such deposits be paid. District Attorney Evans has declared that the bond of \$50,000 furnished for County Treasurer Lewis by the company is illegal.

The county court has not taken the matter up yet, but is expected to turn the bond down. The banks in which county funds are at present deposited by Treasurer Lewis were approved in a letter which accompanied the bond. Mr. Evans declared that the bond is not in accordance with state statute covering bonds in this respect.

This company furnished the bond for County Clerk Fields and through a "joker" clause which provided for the exemption of liability from any bank failure the bank could not be held for the loss of more than \$15,000 which was involved in the failure of the American Bank & Trust company.

SUSPECT IN WHITE SLAVERY CASE HELD

Alphonso Lagana, an Italian, charged with violation of the federal white slave law, was arrested at Baker, Monday, by Deputy United States Marshal W. W. Griffith, and was brought to Portland yesterday. Lagana was taken before United States Commissioner Patterson at Baker and after a hearing bound over to await action of the grand jury. He was unable to furnish the bond of \$2000. His wife, Lillian Madison, otherwise known as Rose Lagana, was brought by Griffith as the principal witness for the government. Lagana is charged with transporting her from Caldwell, Idaho, to Huntington, Or. On account of a bitter animosity that has been between the two, Griffith was forced to bring them to Portland separately, a woman matron from Baker watching Rose Lagana in another car while Griffith and a guard traveled with Lagana.

CONGREGATIONALISTS ELECT DELEGATES

The sessions of the Portland Association of Congregational Churches and Ministers came to a close last night in Atkinson Memorial church. The addresses and papers of the morning and afternoon sessions were on the educational and spiritual functions of the church. The report from the churches of the association show an increase in interest and efficiency.

Dr. Luther R. Drott addressed a large gathering of Christian Endeavorers from the churches last night on "A Reasonable View of Spiritualism."

Rev. Edw. H. Hurd of Hood River was elected moderator, Rev. J. W. Price of Willburg, clerk, and Mrs. F. Eggett and Dr. L. R. Drott were chosen delegates to the national council, which meets in Kansas City in October.

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JONAS ACQUITTED OF KILLING HIS MOTHER

San Francisco, April 17.—Robert J. Williams, a student aged 19, died in a local hospital today as the result of a beating administered by a highwayman last night. The assailant used a piece of gas pipe and Williams' head was beaten almost to a pulp.

Williams had just left the home of Ruth Cain, aged 16, whom he had escorted home from the Baptist church, when attacked.

The holding took place at a lonely spot under a railroad viaduct. The highwayman took a watch and 50 cents in cash. The police have no clue to the identity of the assailant.

Powers to Raise Blockade.

(United Press Leased Wire.)

London, April 17.—The powers have decided to raise the blockade of Montenegro ports, according to a dispatch received here today from Vienna.

AMUSEMENTS

HEILIG THEATRE

11th and Morrison

TONIGHT TOMORROW

THE COMEDY HIT

BACHELOR'S BABY

POPULAR PRICES

Lowest floor, \$1. Balcony 75c and 50c

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JULIA CULP

Mezzo Soprano

Heilig Theatre

SATURDAY EVENING

APRIL 19

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4 NIGHTS, SUN. APRIL 20

Beginning

500TH TIME SUNDAY

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ENORMOUS ALL-STAR REVIVAL

HENRY