

DR. SMITH'S EXECUTRIX MUST GIVE \$10,000 BOND, COURT ORDERS

Testator in Will Provided That Mrs. Eschelbacher Should Not Give Security, CIRCUMSTANCES UNUSUAL

Judge Cleaton Says His Action Is for Purpose of Protecting All Parties.

When attorneys for Mrs. Mary M. Eschelbacher appeared in court this morning to ask that she be appointed executrix of the estate of Mrs. Victor H. Smith in accordance with the terms of a will filed yesterday, County Judge Cleaton directed that she file a bond of \$10,000 before he would make the appointment.

"I don't know that there will be any contest of the will by Dr. Smith's relatives," said Judge Cleaton, "but the right of contest runs for years and I intend to protect all parties concerned under the circumstances. It is unusual to require a bond when the will provides that no bond be required, but the circumstances of this will are unusual and demand unusual proceedings."

Mrs. Eschelbacher's attorneys assured the court that the bond would be furnished at once. No appearance was made this morning by representatives of other parties concerned in Dr. Smith's estate.

As announced by The Journal, the will bequeaths specifically \$10,000 of the estate to Mrs. Mary Eschelbacher, and \$10,000 in trust for her son, Bernard E. Eschelbacher Jr. Other bequests are \$5000 each to Mr. and Mrs. F. H. V. Andrews, \$1000 each to E. E. Kellogg, a housewife owner, and Nicholas Francis Canavan, \$500 to S. M. McElroy, and in a codicil \$5000 to a cousin, Emma Strickton, of Multnomah Hill, N. The residue of the estate, after all the specific bequests are paid, is left to Mrs. Eschelbacher.

AMERICA FIRST IN WAR CRISIS, SAYS WILSON

(Continued From Page One.)

think of Europe, in order that America may be fit to be Europe's friend when the day of test friendship comes. The test of friendship is not now sympathy with one side or the other, but getting ready to help both sides when the struggle is over.

"The basis of neutrality, gentlemen, is not indifference; it is not self-interest. The basis of neutrality is sympathy for mankind. It is fairness; it is good will at bottom. It is impartiality of spirit and of judgment. I wish that all of our fellow citizens could realize that."

"Men are even uttering slanders against the United States as if to excite her. Men are saying that if we should go to war upon either side there would be a divided America—an abominable libel of ignorance!"

"America is not all of it vocal just now. It is vocal in spirit. But I, for one, have a complete and abiding faith in that great silent body of Americans who are not standing up and shouting and expressing their opinions just now, but are waiting to find out and support the duty of America."

Must Act Justly.

"I am just as sure of their solidarity and of their loyalty and of their unanimity, if we act justly, as I am that the history of this country has at every crisis and turning point illustrated this great lesson."

"We are the mediating nation of the world. I do not mean that we undertake not to mind our own business and mediate when other people are quarreling. I mean the word in a broader sense. We are compounded of the nations of the world. We mediate their blood, we mediate their traditions, we mediate their sentiments, their tastes, their passions; we are ourselves compounded of those things. We are, therefore, able to understand all nations; we are able to understand them in the compound, not separately as partisans, but untied as knowing and comprehending and embodying them all. It is in that sense that I mean that America is the mediating nation. The opinion of America, the

action of America, is ready to turn and free to turn in any direction.

"Did you ever reflect upon how almost all other nations, almost every nation, as through all centuries, have headed in one direction? This is not true of the United States. The United States has no racial momentum. It has history back of it which makes it run all of its energies and all of its ambitions in one particular direction, and America is particularly free in this, that she has no hampering ambition as a world power."

America as Trustee.

"If we have been obliged by circumstances, or have considered ourselves obliged by circumstances in the past to take territory which we otherwise would not have thought of taking, I believe I am right in saying that we have considered our duty to administer that territory, not for ourselves, but for the people living in it and to put this burden upon ourselves not in order that this thing is ours for our use, but to regard ourselves as trustees for the great business for those to whom it does really belong—trustees, ready to hand over the territory at any time when the business seems to make that possible and feasible. That is what I mean by saying we have been obliged to take territory, not to want anything that does not belong to us. Isn't a nation in that position free to serve other nations, and isn't a nation like that ready to form some part of the opinion of the world?"

Would Scrap If Necessary.

"My interest in the neutrality of the United States is not the petty desire to keep out of trouble. To judge by my experience, I have never been able to keep out of trouble. I have never looked for it, but I have always found it. I do not want a scrap of territory. If any man wants a scrap—that is, an interesting scrap and worth while—I am his man."

"I am not going to draw me into the scrap for his advertisement, but if he is looking for trouble—that is, the trouble of men in general—I will help him a little—when I am in for it."

"But I am interested in neutrality because it is something so much greater to us than it is to other nations. There is something, there is a distinction waiting for this nation that no nation ever yet got. That is the distinction of absolute self-control and self-mastery."

The Man to Respect.

"Whom do you admire most among your friends? The irritable man? The man out of whom you get a headache without trying? The man who will fight at the drop of the hat, whether he knows what the hat is dropped for or not? The man who will fight with him, the self-mastered man who watches you with calm eyes and comes in only when you have done something so far that you must be disposed of?"

"That is the man you respect. That is the man you know has at bottom a much more fundamental and terrible courage than the irritable fighting man."

"I covet for America this splendid courage of reserved moral force, and I wanted to point out to you gentlemen simply this: There is news and getting ready to help both sides when the struggle is over. That is the man you respect. That is the man you know has at bottom a much more fundamental and terrible courage than the irritable fighting man."

Note of Warning.

"We ought not to deal in any stuff of that kind. We ought not to permit things of that sort to use up the electrical energy of the wires, because its energy is malign, its energy is not of the truth; its energy is of mischief. It is possible to sift truth. I have known some things to go out on the wires as true when there was only one man or one group of men who could have kept the equilibrium of the status whether it was true or not—and they were not asked whether it was true or not for fear it might not be true."

"That sort of report ought not to go out over the wires. There is generally if not always somebody who knows whether that thing is so or not, and in these days above all other days we ought to take particular pains to resort to the one small group of men, or to the one man, if there be but one, who knows whether those things are true or not."

World Wants Truth.

"The world ought to know the truth, but the world ought not at this period of unstable equilibrium to be disturbed by rumors; ought not to be disturbed by imaginative combinations of circumstances, or rather, by circumstances in combination, which do not belong in combination. For we are holding, not I, but you and gentlemen engaged like you—the balances in the world are in the balance. The rests upon scales that are in your hands. For the food of opinion, as I begin saying, is the news of the day. I have known many a man to go off at a tangent on information that was unreliable. Indeed, that describes a

HIGH FARE PREVENTS VISITS WITH FRIENDS IN SUBURBS CHARGE

Introduction of Testimony in Garden Home Case Is Resumed.

SUBURBANITES ON HAND

State Railroad Commission Asked to Reduce Price Charged by Oregon Electric.

Suburbanites thronged the railroad commission's offices in the court house today when hearing of appeal of the Tualatin Valley Transportation association for reduced fares over the Oregon Electric was resumed. The fares now charged are on the basis of a 20 cent rate between Portland and Garden Home, plus three cents per mile for points beyond.

The association wants the fare cut to 5 cents each to Garden Home and all fares beyond readjusted on that basis. R. R. Giltner and G. G. McCormick are representing the commuters and the railroad company.

Among the witnesses who testified this morning were B. F. Schatz, a farmer living at Stafford, near Beaverton, who said he finds the 40 cent fare to Portland so high that he can save money by driving to Oregon City and taking the F. R. L. & P. to Portland. He said he would use the Oregon Electric if the fares were lower. O. E. Shepherd of Beaverton said that because of the 40 cent fare there has been no activity in real estate in his vicinity of late and Mrs. Mary Nelson of Portland, who has friends she likes to visit at Beaverton, said she seldom called on them because she could not afford the fare.

Judge Carey called attention to the fact that the Schatzes' Pacific fare to these points is identical with that of the Oregon Electric.

majority of men. The world is held stable by the man who waits for the color of the wind and continuously in emphatic approval.

Opening the battle for the defense, Attorney William H. Van Benschoten said that Barnes denied Roosevelt's right to fight for decent government. As an example of the work of the system, which, Benschoten said, Roosevelt was fighting, he cited the New York state highway frauds, the failure to complete the barge canal, the Albany capitol building scandal, the padding of state payrolls, demoralization of New York's penal service and the creation of useless jobs.

Barnes Leaves Courtroom.

During this sensational recitation, Barnes left the courtroom.

Van Benschoten said proof would be offered that the partisan machine alliance defeated Hughes' direct primaries, the anti-labor bill and other good government measures. He said he would prove that the state printing contracts were for years controlled by the partisan machine in Albany and by other companies in which he had stock.

"We will show," he cried, "that thousands of taxpayers' dollars were squandered for needless printing at outrageous prices."

When court reconvened after the noon recess, attorneys for Colonel Roosevelt declined their motion to dismiss the charges, alleging that Roosevelt's remarks about Barnes were "privileged" and that the prosecution had failed to prove malice. To do this, they sprung a surprise by calling Judge Andrews to the stand.

Colonel Takes Stand.

Roosevelt appeared slightly astonished, but he quickly arose and took his seat in the witness chair. Questioned by Evans, he made no objectionable statements. No further attempts were made to prove malice by his own testimony.

When the court resumed its session, opposing counsel made their opening statements to the jury today. Attorney William M. Ivins for Barnes exclaimed that Roosevelt's charges were unfounded.

Attorney Ivins said that Barnes' complaint was not wholly based on charges which started the libel suit, but covered Roosevelt's whole course of conduct since the Saratoga convention in 1912. He asserted that Roosevelt, because Barnes opposed him at Saratoga, had ever since pursued a studied course of bitter and violent assault.

Ivins declared he would prove that when Roosevelt went to South Africa, South America and Spain, he made many speeches and statements violently attacking Barnes.

During the presidential primaries fight, Ivins said, Roosevelt gave out in advance copies of his bitterest attacks and then "extemporaneously" interpolated them from the rostrum.

Falling Wire Hits Auto.

To sit in the front seat of a moving automobile while a broken trolley wire hangs over it is a thrilling experience. Tom F. Cowing, manager of the Court House Auto Livery company, and Jean Sloan, an elevator operator of the courthouse, were injured and no damage to Cowing's automobile resulted. During the morning the trolley wire was hanging over the courthouse and was crossing the Hawthorne bridge when the wire broke.

BOYS PLACE BOLT ON RAIL

Two Portland boys, while going fishing last Tuesday, placed a bolt on a Southern Pacific rail between Portland and Clackamas. A passenger train came near being derailed by it. The partially flattened bolt was found and sent to Superintendent P. L. Burdick, of the Southern Pacific. He sent it to H. P. Coffin, chairman of the public safety committee, with the request that it be sent to City School Superintendent L. R. Alderman.

Superintendent Alderman will take the matter up with the board of education in an effort to impress upon the pupils the danger of disastrous results that might follow the placing of bolts on a railroad track.

Daly Would Give Deputy Attorney \$1000 Overtime

Believing that Deputy City Attorney Daly should be compensated for the night and extra work he spent in preparing and handling the defense of the city against the Shaw-Baker company suit, Will H. Daly, commissioner of public utilities, is to introduce an ordinance before the city council tomorrow allowing Tomlinson \$1000 for his services. Tomlinson spent nearly six months preparing for the case.

Security Council Wins on Appeal

Supreme Court Holds That One Can Not Allow Insurance to Lapse When Well and Then Collect.

Salem, Or., April 20.—The supreme court today reversed the judgment of Judge W. G. Gaters of Multnomah county in favor of the plaintiffs in the case of May E. A. Hartman and others against the National Council of the Knights and Ladies of Security. The plaintiffs secured judgment against the defendant for \$1000 upon a certificate of membership insuring her life and the plaintiffs' reagents for three months were paid by relatives of the deceased after she had gone to the hospital for treatment for a disease which caused her death. The National council was not told of this sickness when the local agent accepted the arrears, and when claim was later on for the amount of the policy, refused to pay it.

"The assured cannot take chances and make default during good health and afterward when death comes forward with the arrears and claim the insurance," says Justice Bennett in his opinion.

BARNES CALLS COLONEL ROOSEVELT TO WITNESS STAND

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TEAL FINDS RATES TO COAST JUMBLED BY RIVAL DEMANDS

Commerce Chamber Attorney Says Situation Becomes Ever Greater Problem.

NO ONE SATISFIED NOW

Long and Short Haul Contentions Causing Disruption of Natural Elements in Rate Making.

The transcontinental rate question is getting much involved according to Joseph N. Teal today on his return from Washington, where he attended a hearing before the Interstate Commerce commission on the question of rates.

"The question," said Mr. Teal, "is developing more into what you might call a rate problem. There is no question but that the underlying factor is the desire of carriers to minimize the effect of water competition. With this is joined equally the natural desire of intermediate cities who do not have the benefit of water competition to have the rates formed on a basis that will enable them to do business in territory that under natural conditions and under the operation of natural laws belongs to the coast cities. The result is a discrimination against other communities one after another until the whole situation gets so involved that it is, in the end, impossible to reach a different result."

However, the result that always has and always will follow the attempt to defeat the working of natural laws. The railroads attempted to discriminate under the long and short haul. They failed.

"In my opinion, when the interstate commerce commission takes up the task of determining what is a certain communities, it will be so fast and the outcome will not be hard to predict."

All Points Represented.

According to Mr. Teal, there were present at the hearing representatives from all the intermediate states, including Colorado, the Pacific coast, the Atlantic coast and Chicago and Missouri river points. Among them all, excepting the delegates from Spokane, there were protests. The railroads were in complete agreement.

"The northern lines submitted a tariff which on its face benefited Spokane. On certain commodities the rate from the east to Spokane was 20 cents lower per 100 than on the same commodities to Missoula, Mont., 200 miles east of Spokane."

It requires no imagination to understand how the Montana people viewed this as the carrying out of the long and short haul clause. On its face, it showed an attempt to limit the distribution of the Pacific coast cities.

"I cannot, in a short interview, place before the people the situation so that it can be fully understood."

"But I am extremely anxious that it should be understood by you. Then they will appreciate its importance. I will make a full report to the transportation committee of the Chamber of Commerce, at which time I am in hopes there will be in attendance not only those directly interested, but others—so vitally that the question affect the commercial and industrial life of our people."

May Increase Terminal Points.

Mr. Teal said he had no means of knowing what disposition the interstate commerce commission would make of the application that had been submitted for its consideration. He thought that Antonio Vancouver, Bellingham and Everett will be restored as terminal points.

While in Washington, Mr. Teal, in connection with Senate Chamberlain at the request of the transportation committee of the Chamber of Commerce, took up with departments the question of government aid in the bringing of wheat sacks from Hongkong on the government transports. A promise was given to assist, but the extent of this assistance will be uncertain, as the capacity of the transports is limited.

"I found," continued Mr. Teal, "that we are not the only ones in the same difficulty, as other sections are experiencing the same trouble."

"The situation," said Mr. Teal, "is bringing out strongly the necessity for the restoration of the American merchant marine."

Married Quietly at Vancouver Saturday

Oregon City, Or., April 20.—Telling her parents in Oregon City she was going to spend the Saturday with her friend, Miss Mary Ross, 605 Sixth street, Portland, Miss Ann Tolpalar, instead, went to Vancouver where she was married to Paul B. Dimm, city buyer for the Blake-McCall company. Mrs. Dimm then returned to Oregon City and kept the wedding a secret until Monday afternoon when she acknowledged it.

Mrs. Dimm said this morning that she and her husband would make their home with her parents, 509 Adams street, this city, for a while. She is the daughter of J. Tolpalar, merchant of Oregon City and was a student of the University of Oregon. It was while attending school there that she met Mr. Dimm.

Royal Arcanum Meets.

J. A. Langfitt, past supreme regent of the Royal Arcanum, accompanied by his wife, arrived from San Francisco this morning and was met at the depot by a committee representing the grand lodge.

The grand lodge of the Royal Arcanum met in the Masonic Temple this morning, presided over by Frank Wilmore, grand regent. It received reports and heard a speech from J. A. Langfitt, past supreme regent. The election will take place this afternoon, and installation follow under the direction of the district grand master. A public reception will be held this evening.

Saloonkeeper Is Found Guilty.

Oregon City, Or., April 20.—District Attorney Gilbert E. Ford, charged against a saloonkeeper in Clackamas county when he secured a verdict guilty against John King, saloonkeeper of Barlow, for selling liquor to minors. The jury was out a few minutes.

Baby Boy Is Still Wanted; No One Responds to Ad

No one in Portland apparently had in two months old baby boy to give away, for there was not a single response to the appeal of Mrs. Wilma Chandler, rooming assistant superintendent of the department of public safety for women. A woman residing in the country near Portland asked the department to secure an infant coming within the specifications for adoption, and Mrs. Chandler made an appeal through the newspapers, asking that babies be brought to her office this morning.

Milwaukie Tavern Case Is Affirmed

Contention That State Erred in Calling Foreman of Clackamas Grand Jury as Witness Is Not Upheld.

Salem, Or., April 20.—The supreme court today affirmed the conviction of Fritz Boyesen in Clackamas county on a charge of selling liquor to a minor in his saloon at Milwaukie. Boyesen was fined \$150 and his license forfeited. It was contended that the state erred in calling as a witness the foreman of the grand jury which indicted Boyesen and in attempting to forfeit the license of the defendant.

The court held the conviction affirmed and that the court had the right to forfeit the license, and that the home rule amendment is subject to the constitution and criminal laws of the state, even though it does read "The voters of every city and town are hereby granted exclusive power to license," etc. It is held that it was proper to call the grand jury foreman.

Justice Bakin wrote the opinion read today, and Circuit Judge Campbell is affirming.

BANK SUES SURETY CO. NOW WOMEN CAN'T FISH

Alleging it has suffered losses in excess of \$5000 through the declared dishonesty of its former cashier, Isaac Rostad, the Multnomah State bank of Lents has filed suit for \$5000 in the federal court against the National Surety company of New York, which went Rostad's bond.

Now Women Can't Fish

Salem, Or., April 20.—The state legislature left the game laws in a muddle as to rights of women and it appears that as the law will stand May 22, no one but a male can get a license to hunt or fish, and no person can hunt or fish without a license. The section giving women the right to hunt and

CITY HEALTH OFFICER WANTS DOG MUZZLE LAW PASSED AGAIN

Two Cases of Supposed Madness Discovered in Riverdale District Is Cause.

PERNOT ALSO FAVORS

Bacteriologist Also Making Plea Asking That Precautionary Measures Be Taken by Council.

As the result of two cases of supposed rabies being discovered among dogs owned by residents of the Riverdale district on the Willamette, yesterday, City Health Officer Marcelus is seeking to have the council immediately reenact the ordinance requiring all dogs to be muzzled.

In one case Dr. Marcelus says there is no question as to the disease, and in the other case, known to State Health Officer Calvin S. White, there is a question, as the dog was killed and taken to the crematory before an examination could be made.

The animal was owned by Peter Kerr of the Kerr-Gifford company, and the other dog, which is now confined in the pound, is owned by "Thomson" Kerr of the same company. Both are residents of the Riverdale district.

An examination was made of the animal owned by Thomson Kerr yesterday, and it was found by Drs. Marcelus and Mack to have what is known as the dumb rabies.

Professor E. F. Perno, city bacteriologist, who has made a thorough study of the disease, is also making a plea for the adoption of an ordinance requiring the muzzling of dogs.

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