

ATTORNEYS TRYING TO FIND A JUDGE TO TRY CASE LONG HELD UP

Defendants Are Ready but Case Has Been Postponed Several Times.

CONDITIONS ARE RECITED

Number of Judges Are Away on Their Vacations; McGinn Delays Action in Criminal Proceedings.

Attorneys were scouting about the courthouse today to see if they could find a circuit court judge before whom they can try the criminal charges against Clyde E. R. Wallace and his wife, Selma Wallace. Although the defendants and their witnesses and the district attorney and the state's witnesses have been in court day after day, ready to go to trial, the case was postponed for the third time today through the indisposition of Judge McGinn, now presiding over the criminal department of the circuit court.

Another criminal case, which was set for yesterday, is worrying the district attorney's office because all the state's witnesses are on hand and the court is not ready for the trial to proceed. This is the case against H. N. Ford and Elizabeth Frary-Ford, charged with forgery.

Would Ask Transfer. Deputy District Attorney Collier said today he would ask Judge McGinn to permit the transfer of the case to another judge. Collier probably will ask that the case be transferred to Judge Gaten's department.

In the Wallace case, the defendants with their four children, left their farm in Washington to come to Portland to answer the charge of subornation of perjury. The case was set for trial last Tuesday. Attorney Hamilton Johnstone, representing Mrs. Wallace, said he understood that she was to be tried first and he demanded an immediate trial. Deputy District Attorney Hildman and Collier said the state preferred to try Wallace first, and the case was set for trial today. Judge McGinn did not appear. The case went over another day. Thursday Judge McGinn arrived late and told the attorneys and the defendants and the witnesses that the case would be postponed until Monday of this week.

Case Is Held. The case against Wallace was begun yesterday, but was halted by Judge McGinn when a question was asked a juror regarding the practice of attorneys quizzing jurors before and after trials. Judge McGinn said he wanted to investigate. He postponed the trial until this morning.

By telephone message, the trial was again postponed this morning until tomorrow morning.

Attorney Johnstone, who is anxious to have the case against Mrs. Wallace disposed of, and a deputy district attorney made the rounds of the courts today to see if another circuit judge was available to hear the Wallace cases, but as several of the judges are away on their vacation the prospects were not bright, even if Judge McGinn should be disposed to give an order transferring the cases.

INFRINGEMENT SUIT ENDED

City, Flusher Company and Studebaker Corporation Compromise.

The patent infringement suit of the Sanitary Street Flushing Machine company (now the Efficient Contracting & Supply Co.) against the city of Portland, was compromised before Judge Wolverson in federal court this morning. The terms of compromise are that the city shall cease to use the flushing device deemed to be an infringement of the patent owned by the supply company, and that the Studebaker corporation, which sold the infringing device to the city, shall pay in royalties to the supply company \$500 a month for the two power driven flushers and \$150 a month for the two horse drawn flushers during the period of infringement.

The patented street flushing device threw the water upon the street in a flattened stream; the device complained of which was used by the city gave the same results by use of a

PERJURED TESTIMONY DENIED

Woman Claims She Had No Knowledge of Testimony.

Denial that she had any knowledge that Edson Carr was giving perjured testimony as a witness for her in her suit against the Portland Railway, Light & Power company for damages for personal injuries, is contained in an affidavit filed yesterday afternoon by Mrs. Selma Wallace. The affidavit by Mrs. Wallace is accompanied by an affidavit by Hamilton Johnstone, her attorney, in a petition for a postponement of the hearing on the motion of the streetcar company to have the verdict for \$5000 which was given Mrs. Wallace set aside on the ground that it was obtained by means of perjured testimony. Johnstone asks to have the hearing postponed until after the trial of Mrs. Wallace on the charge of subornation of perjury.

In his affidavit Johnstone points out that the confessions of Carr and Thomas S. Molesworth were made, evidently to the streetcar company, in December and January, yet the motion to set aside the judgment was not filed by the company until June 29, and in the meantime the company had proceeded with proper steps to perfect an appeal of the case.

Mrs. Wallace denies making any agreement to pay Molesworth a commission, although she urged her to.

FOUR DECREES ARE GRANTED

Cruelty and Desertion Grounds on Which Couples Parted.

Cruelty and desertion were the causes for which divorce decrees have been granted in the following cases: Pearl Pauline Gordon vs. Earl W. Gordon, married in Clark county, Washington, in 1914, desertion; Martha Gibbs vs. Arthur B. Gibbs, married in Vancouver in 1915, cruelty; W. T. Roles vs. Mary Roles, married in Portland in 1912, cruelty; Helen Eva Kane vs. Frank Joseph Kane, married in Portland in 1913, cruelty.

New suits for divorce were filed as follows: Emma Schneider vs. Jacob Schneider, married in Portland in 1913, cruelty and desertion; Ella McCumsey vs. Fred L. McCumsey, married at Canby, Or., in 1913, desertion.

ALTERNATIVE IS GIVEN BOY

Auto Bandit Must Return to Mother or Serve Time.

Lester Redeker, 17 years old, one of the five boy auto bandits caught last week by the police, will be sent to the state training school at Salem unless he can obtain means to return to his mother, who lives in the east. That was the decision reached by Judge Cleeton yesterday afternoon when young Redeker was before the juvenile court.

Milton Clay, 14 years old, another of the boys, was paroled to his aunt, on recommendation of juvenile court officers.

Indian Testifies for Employee.

Albert Allen was acquitted by a jury in federal court yesterday on a charge of having liquor in his possession on the Umatilla Indian reservation. His employer, W. H. Lacourse, an Indian, who had been previously convicted. The two were arrested together, and Lacourse, after serving a sentence for his offense, testified that he alone was responsible.

JAPANESE KILLS AN OFFICER AND IS SHOT TO DEATH HIMSELF

Seattle Police Patrol Driver Also Wounded in Affray at Liquor Store.

Seattle, Wash., July 25.—(U. P.)—The police this afternoon discovered a distillery under the Billingsley storehouse, on Westlake avenue, where one police officer and a Japanese watchman were killed in a gun fight last night.

During the day a mysterious fire broke out within the warehouse, although it was guarded by police and locked. The discovery of the distillery followed.

Ora Billingsley, 25, was arrested shortly after noon in connection with last night's shooting. Four Billingsleys, the father and three sons, are now held in the city jail in solitary confinement, and a score of detectives are working on the case.

Seattle, Wash., July 25.—(U. P.)—Logan Billingsley, proprietor of several drug stores here, and central figure in a number of clashes with the police, who accuse him of being a bootlegger; his brother Fred, and his father, R. W. Billingsley, were arrested at noon today, following the fatal shooting here last night of Police Sergeant John Weedin and L. Suehiro, Japanese night watchman at Billingsley's warehouse.

The police are also looking for two more of the Billingsley boys. No formal charges have been filed. Suehiro, the porter, went to work last night for the Billingsley Bros., as watchman for their liquor warehouse in the south end of the city. Stories of how the shooting occurred shortly after he was working on the premises.

Japanese Shoots Quickly. Wiley was driving a police automobile in which Sergeant Weedin, head of the automobile and motorcycle department, was riding. In the lower end of the town Wiley said two men ran up to him and said:

"That Jap on the corner held us up." Wiley approached the watchman. "What's the matter, Charley?" he said. "What are you pulling off here?"

Telephone Call Reported. Wiley declares that, without replying, the Japanese drew his gun and fired. Wiley was shot in the groin. Wiley shot the Japanese twice. He died in a hospital.

Weedin, backing the car down the street toward his driver, turned suddenly and faced the Japanese. He was shot in the breast, dying instantly. Logan Billingsley told the police that the Japanese called him on the telephone and said he was being held up. Billingsley sped to the warehouse in his machine. When he arrived the shooting had just finished. He declares the Japanese believed the officers were holdup men.

Dog Travels 70 Miles Home. New York, July 25.—(U. P.)—Bob, Louis Well's dog, showed up home today after a year's absence. Well had lost him at Yaphank, 70 miles distant.

COAST ARTILLERY IS SCHEDULED TO PEG AT A SEA-GOING TARGET

Governor Withycombe on Program to Lend Presence to Day's Trial Firing.

CAMP HEALTH IS GOOD

Mortar Companies Will Shoot for Record From Battery Clark—State Soldiers Had Week Teaching.

Fort Stevens, Or., July 25.—Governor Withycombe is scheduled to see the service target practice today by the coast defense gun crews at Battery Russell. The target will be a moving target, drawn through the water, six miles from the guns, by the tug Captain James Farnace. Each of the six gun companies, which have had a week's artillery instruction at the batteries, will fire four shots, one for trial and three for record.

The two mortar companies will also shoot for record today from Battery Clark. Colonel C. C. Hammond and Lieutenant Willis Shippman, instructor, detailed from the regular army, mustered and reviewed the regiment Sunday. They found the equipment in perfect condition.

Chaplain's Service Held. Rev. Mr. Jamison of Astoria directed the chaplain's services. The artillery band played.

At 4 o'clock the Fort Stevens baseball team, managed by Lieutenant Steere, played a picked team from the Oregon National Guard. The score was 6 to 5 in favor of Fort Stevens. The boys camped were most enthusiastic over the game, and the rooters in the bleachers were in fine form.

Guard Mount Daily.

The daily guard mount was put on in the evening. The July 24 program was as follows:

8 to 11:30 a. m.—Drill for guns sub-caliber for mortars.

1 to 4 p. m.—Drill for guns, same as morning.

8:20—Guard mount and instruction in guard duty.

The Second and Third companies are firing from the mortars at Battery Clark with sub-caliber ammunition.

They are firing at the target in the Columbia river, drawn 1000 yards back of the government tug.

Captain Vincol of the Sanitary corps reports no sickness. Camp life agrees with the boys.

Professors' Dismissal Investigated.

Seattle, July 25.—(P. N. S.)—President Henry Suzzano, of the University of Washington, and Professor H. P. Torrey, of Reed College, Portland, are conferring today over the dismissal of a year ago of Professor Joseph K. Hart from the staff of the State university.

Dr. Hart is also present. It is hinted Hart was dismissed because of "political differences."

Schwab Will Build Five Big Ore Ships

Vessels Will Be Used to Carry Iron Ore From Chile and Cuba and Are Believed to Be Nations of Big Fleet.

South Bethlehem, Pa., July 25.—(U. P.)—Charles M. Schwab has placed an order for five ocean ore carrying vessels with his new subsidiary concern, the Maryland Ship Building plant. The vessels will be used in the transportation of iron ore from the company's large properties in Chile and Cuba. The largest ship will carry 17,000 tons of cargo, and the smallest 11,800 tons. The vessels will be built by the Bethlehem Steel company, a subsidiary of the Bethlehem Steel company, thus making the parent concern to a large extent independent of the fluctuations in steamship rates for ore.

It is believed that eventually Mr. Schwab will become the owner of one of the biggest fleets of vessels in the country.

INES FOR PROPOSED DIVISION OF CROOK CO. ARE DECIDED UPON

New Boundaries Are Same as Were Defeated in Recent Division Election.

Prineville, Or., July 25.—The committee of seven elected by the citizens of eastern Crook county at a mass meeting Saturday last night with a committee of Bend citizens and agreed on division lines between the proposed Deschutes county and Crook county. The lines agreed upon are practically the same as those defeated in the election two years ago, when it was proposed to divide Crook into three counties, when one of which, Jefferson, won the election.

Bend now has a bill to remove the county seat from Prineville at the next election, but a tentative promise has been made to abandon the issue if Prineville produces the necessary vote to divide the county. A few weeks ago another committee appointed by the Prineville Commercial club entered into a written contract with the Commercial club to stand with Redmond in defeating the county seat removal. This contract was ignored at the meeting held Saturday night.

The situation, as it concerns the three towns, is strained to the breaking point.

Accident Follows Salute.

College Grove, Or., July 25.—Mr. and Mrs. Martin Foster suffered injuries in an automobile accident here Sunday when one of the wheels went to pieces and the car turned over on its side. Some of Mr. Foster's ribs were torn loose and Mrs. Foster suffered severe injury to her right arm. Their three children and Roy Foster, a year ago of Professor Joseph K. Hart from the staff of the State university, were the result of losing control of the machine while returning the salute of relatives whose home they were passing.

Councilmen on Vacation.

But three members of the city council are now in the city. Commissioners Baker and Bigelow being on vacations. Mr. Baker is motoring through central Oregon to Crater Lake and Mr. Bigelow is at the beach. Until one or the other returns the council will not be able to pass emergency ordinances, as these require four affirmative votes.

Would Hold Up Dredge. Commissioner Delek and City Engi-

ST. JOHNS FRANCHISE OF BELL TELEPHONE GOES BEFORE COUNCIL

Company Claims Consolidation Abrogated Old Agreement; City Claims Not.

FEE PAYMENT IS DECLINED

All Correspondence in Controversy Has Been Turned Over to Council That It May Take Action in Matter.

Correspondence in a controversy of a year's standing between the city of Portland and the Portland Telephone & Telegraph company will be turned over to the council tomorrow for action. Under an ordinance of the city of St. Johns before its merger with Portland, the telephone company was compelled to pay a franchise fee. A bill for \$100 for the year ending October 1, 1916, was rendered, and the company refused to pay, on the ground that the obligation was to St. Johns, and not to Portland.

With the merger, claims the company, franchise rights secured from the city of Portland apply to St. Johns, as it is now part of Portland.

City Attorney La Roche holds that with the merger, the obligation to St. Johns became an obligation to Portland, and that the company must pay as the St. Johns franchise was not annulled by the merger. The company must petition to be released from the St. Johns franchise, he declares.

Commissioner Bigelow has transmitted the correspondence between the city and the company, together with the city attorney's opinion, and it will now be up to the council to decide what course to follow.

DESIRES TO APPEAL IN CASE

City Attorney Wants Ruling in Last Reassessment Action.

City Attorney La Roche has recommended to the council that the case of W. C. Elliott against the city of Portland, having to do with the reassessment of the Riverside district sewer, be taken to the supreme court.

In this case Circuit Judge Morrow held that the city had no right to sell property or enforce reassessments save by proceedings in the circuit court.

Inasmuch as this decision applies to all reassessments where an appeal has been taken, Mr. La Roche, feeling that the contention of the city is sound, believes the matter should be taken to the higher court.

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Would Hold Up Dredge. Commissioner Delek and City Engi-

near Dater have recommended that no action be taken at this time on the proposed dredging of the Columbia slough. Residents of the Peninsula are anxious for this improvement but it is felt by city officials that a survey by the government is necessary before any action can be taken.

Bishop Hughes to Arrive Tomorrow

Ministers and Laymen to Meet New Bishop at Depot—Brief Reception to Be Given.

A committee of ministers and laymen will greet Bishop Matthew Simpson Hughes at 10:15 tomorrow night at the Union depot, when he arrives from California. Bishop Hughes and his family will be escorted to Alexandra Court, their temporary residence, where a brief reception will be held. He will be accompanied by his wife, daughter and one son, the other son remaining in California.

Speaking of the arrival of the bishop, Dr. W. W. Youngson said yesterday: "We want it understood that anyone who feels so inclined will be welcome at the depot to greet the bishop. We would like to see a number of the laymen out."

On Friday night a large reception will be tendered Bishop Hughes at the First Methodist Episcopal church. Laymen and clergy from Oregon and Washington will be in attendance.

Army Bill Near to Passage in Senate

Chairman Chamberlain Pushes Measure Close to Final Vote After Three Days of Consideration.

Washington, July 25.—(U. P.)—The last of the great "preparedness" measure, the \$280,000,000 army bill, apparently was near passage in the senate today. Chairman Chamberlain had pushed his measure—the largest of its kind the United States has known, close to a final vote in three days' consideration.

Though nearly \$400,000,000 has been knocked off the original senate committee draft, the bill still carried \$100,000,000 more than the house measure.

No Blame on Militiamen.

El Paso, July 25.—(U. N. S.)—"Any statement is false which quotes me as saying General Gonzales has made formal protest against members of the Ninth Massachusetts militia

crossing the boundary and starting trouble," said General Bell tonight. "I have received no such protest either formally or informally."

"As a matter of fact, I have informed General Gonzales and Consul Garcia that Mexicans are entirely to blame for the skirmish between the

Ninth Massachusetts regiment and snipers near El Paso last night."

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"Sally in Our Alley"

Also
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in Chapter 11
"The Fugitive Witness"

of
"Gloria's Romance"

ALL THIS WEEK
Matinees 10c
Evenings 10c and 15c



RED FEATHER PHOTO-PLAYS

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Thursday—Friday—Saturday

Continuous, 1 to 11 p. m.

"Temptation and the Man"

A RED FEATHER feature film, with Hobart Henly as leader, depicting the heart-grIPPING story of a man's redemption. Come and help the audience decide whether or not a particularly wide social gulf separating man and woman ever can be bridged.

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Guaranteed to Make You Glad You Spent Ten Cents

Shaw, Talcott & Edwards

Rural Comedy, Songs and Patter.

Ransom & Knight

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Edwards & Sturtevant

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Dixie Christy

Old-Time Melody Maid.

Two main entrances—Park Street and West Park Street—just a few doors north of Washington Street, away from the humdrum of busy thoroughfares.

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