

COURT TAKES CASE OF DR. M'CANDESS OUT OF THE JURY'S HANDS

Judge Jones Says State Has Failed to Prove Charges Against Woman.

DECISION WINS APPLAUSE

Charge of Practicing Medicine Without License Was Made as Result of Signing Death Certificate.

"The state has absolutely failed to prove its case," said District Judge Jones yesterday, in throwing the case against Dr. Frances McCandless out of court and dismissing the jury.

Dr. McCandless was arrested July 22 on the complaint of Dr. Harry E. McKay, member of the state board of medical examiners.

The case followed the death of Mary Obermer. According to the testimony, Dr. Dammasch treated the case at first, but would not sign the death certificate because the case was taken out of his hands.

Signed in Dimly Lighted Room. The defense claimed that Dr. McCandless had not treated the case and that she refused to sign the death certificate. She finally signed it on the advice of Dr. David N. Roberg, secretary of the state board of health, over her own protests.

Dr. Harry E. McKay testified that Dr. McCandless had told him that she was a licensed physician in a conversation at the county jail.

"That's the only death certificate I ever signed. My patients do not die," said Dr. McCandless, according to Dr. McKay's testimony.

Dr. Dammasch told of meeting Dr. McCandless five days before the removal of the patient from the hospital. She had come to consult him about the case, which, she said, friends of the family had asked her to take.

"I told her that the case was very serious," testified Dr. Dammasch, "and that she would remove the patient from the hospital on her own responsibility. She said she would assume the responsibility."

"She said that she practiced all schools of medicine," he continued, "and that she was going to treat this case by bloodless surgery." As to the signing of the certificate, I refused to sign because the patient had passed out of my hands. I told her to sign it.

Former Portland Pastor Is a Visitor

Rev. Albert Ehrhott Says East Busier Than Coast But That Busy-ness Coming; Still Likes Portland.

Rev. Albert Ehrhott, formerly pastor of the East Side Baptist church and now connected with Y. M. C. A. work in San Francisco, is in Portland today on his way home after several weeks spent in studying Y. M. C. A. methods in New York, Cleveland and other cities.

"The east is busier than the Pacific coast but that busy-ness is coming our way," said Rev. Mr. Ehrhott. "In the meantime we are getting along comfortably, and more prosperously than some of our pessimistic friends would have us believe. I am always delighted to get back to Portland. I tell people who drop under the heat of the east that out here we have sunshine without a blister."

"I believe that in the Y. M. C. A. work of San Francisco I have found my life's mission."

Rev. Mr. Ehrhott was accompanied by his little daughter, Caroline.

COLBURN BARRELL JR., SUES

Charges Wife Loved Her Boarder and Seeks Divorce.

Colburn Barrell Jr. filed suit for divorce against Garnet V. Barrell yesterday on the grounds of cruel and inhuman treatment.

The complaint alleges that Mrs. Barrell brought a stranger to her home in December, 1915, as a boarder. Later Barrell asserts, she told her husband that she was infatuated with the stranger and didn't care for him any longer.

The Barrells were married in Portland in June, 1906, and have two sons, one six years old and another four. Mr. Barrell asks for the custody of the older boy.

FRY SEEKS FORECLOSURE

Sues Nellie V. and W. H. Markley to Collect \$2500 Note.

A suit was filed in the circuit court this morning by A. N. Fry against Nellie V. Markley and W. H. Markley for collection of a \$2500 mortgage, in addition to \$94.88, which Fry alleges he paid in taxes on the mortgaged property.

The complaint says that the Markleys gave a note and mortgage to Marion A. Brewbaker in October, 1911, to pay for three years. Fry, who purchased the note, asserts that the payments are delinquent.

Pavement Is Asked.

A petition was received by the board of county commissioners this morning asking for the pavement of the Gresham and Fairview road between the Base Line road and Sandy boulevard. The matter was referred to Roadmaster J. B. Yeon.

UNLAWFUL SHIPMENT OF LIQUOR CAUSE OF EXTREME SENTENCE

Judge Jones Expresses Sor-row That Law Limits Ex-tent of Imprisonment.

MAN MUST SERVE MONTH

Harry L. Turner Imported 23 Quarts of Whiskey as Household Goods; Caught Opening Case in Barn.

"I am sorry that I cannot give you more," said District Judge Jones yesterday in sentencing Harry L. Turner to six days in jail for importing 23 quarts of whiskey in one shipment labeled "household goods."

Turner was arrested in the barn back of his house at 1044 Sixty-second street southeast on the night of August 9, just after he had opened the consignment of whiskey. Deputy Sheriff Ward and Harburt had concealed themselves in the barn and waited for Turner to appear.

The liquor was shipped by a San Francisco firm in care of the Heiser Transfer company. The shippers stand liable to prosecution.

Somnambulist Puts Bullet Into Brain

Frank Coccia, Motor Truck Driver, Dying at Los Angeles as Result of Having Revolver Handy.

Los Angeles, Cal., Aug. 16.—(P. N. S.)—Frank Coccia, 27, a motor truck driver, is dying with a bullet in his head as a result of either an hallucination or a nightmare last night. His wife escaped injury only because of Coccia's bad aim. She told the police her husband got out of bed in his sleep and, after firing twice at her, shot himself.

Cable Tolls to Alaska Reduced

Seattle, Wash., Aug. 16.—(P. N. S.)—Brigadier General George P. Scriben today notified Major B. O. Lenore, in charge of all United States cable offices in Washington and Alaska, that Secretary of War Baker had ordered reduction on cable tolls to Alaskan points as follows:

Southeastern points \$1 day rate; 80 cents night; southwestern points, \$1.50 day rate, \$1.10 night; Tanana river points, \$2 day, \$1.50 night; Nome and St. Michael, \$2.50 day and \$2.10 night.

Tries to Obey Law; Gets Into Trouble

C. C. Chapman Parks Auto in Accordance With New Traffic Ordinance Only to Find Old Rules Effective.

The new traffic ordinance has yet to become effective. C. C. Chapman, editor of the Oregon Voter, said to be a wide-awake newspaper man, thought it had been passed and was in effect. He knows differently now.

The new ordinance, when in effect, will require parked automobiles to face the curb instead of the street. Chapman left his machine that way last night and a tag inviting him to visit the police station was placed in his machine. It said that he had violated the traffic ordinance.

Chapman accepted the invitation. Then he was informed that the new ordinance had not gone into effect and that the old ordinance was still on the books. Chapman left, promising to keep better informed hereafter.

ROADMASTER WILL PROCEED UPON BASIS OF VISTA HOUSE FUND

Unless Otherwise Informed, He Will Consider \$12,000 as Granted by the County.

A call from Roadmaster Yeon for \$12,000 from the emergency fund for use in completing the construction of the Vista House on the Columbia river highway was filed by the board of county commissioners at the meeting this morning.

The fund for the Vista House was originally planned to be raised by private subscription, but on May 17, committees headed by Julius Meier, asked the commissioners to appropriate the remainder. The commission passed an order authorizing Roadmaster Yeon to proceed with the work, which will be paid for with money from the road fund. The commission said that an appropriation not to exceed \$12,000 would be granted from the emergency fund, however, should it be needed.

Inter-Playground Courts Are Close

Colman's Park Scene of Lively Events; Silver Trophies to Be Awarded the Winners.

Inter-playground championships were hotly contested for yesterday afternoon at Columbia park in games which marked the closing of a series between 13 teams of different public playgrounds.

Four championship playground ball games were played, the winners being the five foot six inch class—Brooklyn 4, Columbia 7.

Silver trophies will be awarded to the winners, which will be kept at the playgrounds of the winning team and can be kept if won three seasons in succession.

Yesterday's scores were: Boys 4 feet 10 inches class—Brooklyn 4, Columbia 7.

Girls 4 feet 10 inches class—Vernon 10, Sellwood 12.

Boys 5 feet 6 inches class—Sellwood 11, Columbia 10.

Girls 5 feet 6 inches class—Lents 11, Peninsula 10.

The players on the winning teams are: Lents, girls 4 feet 10 inches class—Mable Greshow, Ruth Comstock, Ruth Harvey, Virginia Gendrick, Lloyd Koskey, Winnie Smith, Mildred Anderson, Fanny Davis, Mable Smith, Daras Marshall, Thelma Sweetser.

Lents, girls 5 feet 6 inches class—Mildred Rosman, Ruth Rosman, Esther Speckman, Dorothy Smith, Ruth Beiter, Bertha Taylor, Clara Koskey, Emma Duncan, Rose Koskey, Nettie Sawyer, Myrtle Gerner.

Columbia, boys 4 feet 10 inches class—Lawrence, ss., Piff, cf., Sap, 2b., Brown, 2b., Boutelle, cf., Bukowski, Chuck, cf., Roy, 1b., Jake, rf., H. Brown, ss.

Sellwood, boys 5 feet 6 inches class—Elliott Falls, 2b., Ewell Grider, cf., Loren Waidele, utility; Rudy Riechel, 2b., Stanley Zelinski, ss., Lloyd Davidson, substitute; Arlo Kyle, cf., Jesse Fisher, rf.; D. Downing, rf.; Frank Welsh, rf.; St. Henry, captain and 1b., Wesley L. Sundleaf, c.; Wilbur Baker, ss. A. P. Patten is playground director and team coach.

John Bird Is Dead; Funeral Is Held

Native Oregonian Was a Member of the First Volunteer Fire Department of Portland; Born in 1851.

John Bird, a native of Oregon, and for the past 12 years a resident of Dallas, died at the Good Samaritan hospital yesterday afternoon. Mr. Bird was born near McMinnville, Yamhill county, September 20, 1851. He was a member of the first volunteer fire department in Portland, and was a schoolmate of many of the most prominent citizens of this city. He is survived by his brother, Nate Bird of this city, and his wife, Mary Bird.

For some time past Mr. Bird had suffered from throat trouble, and just lately decided to have an operation. The funeral services were held at the Holman parlors this afternoon and interment will be in the family plot at Lone Fir cemetery.

Measure in Aid of Coast Fishermen

Senate Finance Committee Recommends Revenue Bill, Including Amendment Governing Shipments of Fish.

Washington, Aug. 16.—(I. N. S.)—On a straight party vote the senate finance committee today recommended the emergency revenue bill. An amendment was tacked on prohibiting importation of fresh or frozen halibut or salmon of the North Pacific through a foreign country, except under United States bond.

To Wed Portland Woman. Chicago, Ill., Aug. 16.—Alonzo Rader of Greensburg, Ind., was licensed here today to wed Mrs. Lillian Farroll Powers of Portland.

HUSBAND'S RETURN FROM THE BORDER IS URGED BY COUNCIL

Wife Makes Personal Appeal, and Commissioners Act in Accordance at Once.

Fred Hubach Had Been an Employee of City and His Place Is Held Open for Him.

Which needs Fred Hubach the more—his family, in Portland, or his country, on the Mexican border?

The city council this morning, having heard a communication from W. H. Warren, secretary to the mayor, decided that Hubach's family should have the preference.

Mrs. Hubach called on Mr. Warren yesterday and convinced him of the urgent need of her husband's return.

"If our country was in danger," she said, "if there was actual fighting, we would try to get along somehow. But we believe, as things are, that we need him more than the country does."

Mr. Hubach was an employe at the city incinerator, and when the call came for the border went with his command, the medical corps of the Third Oregon.

After he had been on the border some time, Mrs. Hubach says, she obtained statements from responsible persons, telling the need of his return, and sent them to Major Marcellus, commander of the medical corps.

Major Marcellus replied that he couldn't spare Hubach from his organization, and suggested that the council pay Mrs. Hubach the difference between the pay her husband got at the incinerator, and his \$16 a month army pay.

The council has been holding Hubach's job for him.

Acting Mayor Daly wrote a letter yesterday to Major Marcellus, urging Hubach's discharge and return, and, with the concurrence of the other commissioners, this morning sent a telegram of the same import.

Mrs. Hubach's young son, who had a 100-a-month job, lost it yesterday by the failure of the firm, and this turn made a crisis in the family affairs which took the mother to see Secretary Warren.

The Portland Railway, Light & Power company carried on its street cars during the three months ending June 29, 1,414,142 passengers, of whom 2,296,971 rode on transfers. The number of cars used was 591.

The operating expenses for traffic and lighting were \$1,203,823.83, and operating revenue, \$1,256,431.11. These figures appear in the quarterly statement of the company filed yesterday with the city auditor, in which the valuation of its plant is given as \$29,787,627.53.

Mother Cans Fish That Kills Family

Vancouver, B. C., Aug. 16.—(P. N. S.)—Mrs. Sipes and her two children, of Fort Clements, Queen Charlotte Islands, in Alaskan waters, are dead and Mrs. Sipes' mother and another child are believed to be near the point of death as the result of eating fish which Mrs. Sipes had recently preserved.

The whole family were seized with terrible pains, and the mother and two children died before aid could be rendered.

Banners to Urge Army Enlistments

City Council Grants Permission on Request of Captain Williams, United States Mustering Officer.

Banners urging men to join the army will be stretched across Third street between Oak and Stark, and across the corners of Third and Burnside, Second and Morrison, Sixth and Hoyt and Broadway and Washington.

Permission to do this was granted by the city council this morning on request of Captain Williams, United States army mustering officer.

Commissioners Are Invited. The county commissioners of Multnomah county this morning received an invitation from the commissions

and Judges of Clatsop county to be present at the opening of the lower end of the Columbia river highway between Astoria and the Tillamook county line, on Saturday, August 19.

The commissioners will leave Astoria on Saturday morning at 8 o'clock and arrive at Nohalem city at noon. They will proceed from there to Tillamook City and through Washington county back to Portland.

One Killed, Four Hurt in Seattle

Automobile Engine Goes Dead on Private Roadway and Interurban Hits It While Traveling at High Speed.

Seattle, Wash., Aug. 16.—(U. P.)—One man was killed, another was seriously injured, two sustained minor injuries and one escaped injury when an automobile and an interurban car on the Seattle-Everett line collided at 10:20 o'clock this morning. The dead man is M. S. Fields. The automobile was driven by his son-in-law, Dr. C. W. Knutson of Ballard.

The party, consisting of eight persons, was on the way to attend a church picnic at Lake Ballinger. Several children were in the car, but escaped injury.

The accident occurred when the automobile engine went "dead" on a private roadway and the interurban struck it while going at high speed.

Federal Official Visits. Van H. Manning, director of the United States bureau of mines, is a Portland visitor today. He is accompanied by N. B. White of Washington, D. C.

Delayed Shipment Sale of Summer SHOES An Opportunity for Men and Women. DRICES SLASHED DOWN TO 95¢. Mary Janes, Women's Oxfords, Canvas Sport Pumps, etc.

Roberts Bros. THE MOST IN VALUE THE BEST IN QUALITY. Come—Join the Ranks of the Thursday Forenoon Shoppers! YOU PROFIT FINANCIALLY. EXTRA-EXTRA. Thursday Forenoon, 8:30 a. m. to 1 p. m. A PHENOMENAL PURCHASE AND SALE OF Manufacturers' "Scraps".