

BARTHOLOMEW ASKED ABOUT THE NEIGHBORS, ASSERTS PROSECUTOR

State Brought Out Fact That Accused Inquired About the Next Room.

TRIED BACK PARLOR DOOR

Accused Paid Rent for Room Occupied by Himself and Kind Obtained From Letter.

That Edward Bartholomew, accused slayer of John Lind, evidenced concern as to who occupied the room next to that of himself and Lind four days before the murder was committed. He said that after the two had been shown the room Bartholomew said to Lind: "Are you not going to pay the woman?" I went into the basement and when I returned Bartholomew handed me a \$5 gold piece. He took the change."

Salem Witnesses Testify. Other material witnesses this morning who told of the visit to Salem, where Lind was in search of a chicken ranch, were George Jacobs, who related details of inquiries that had been made for a chicken ranch and Mrs. Hannah Miller, who owned the ranch. Mrs. Miller said Lind appeared to be of a religious nature and that he attended the Swedish church on Sunday, accompanied by Bartholomew.

Detectives W. H. Royle and John H. Price and Fred Mallet testified regarding the finding of the body and the blood stains in the room where Lind was killed.

Lund Ready to Testify. Oscar Lund of Los Angeles, Cal., who had been at first named, then exonerated by Bartholomew as the man who had struck the fatal blow, has been called to hold himself in readiness to testify. He reported to the court this morning.

The trial thus far has been devoid of sensational features. Today's attendance was so great that a score of spectators, including women, were denied admittance to Judge Dick's courtroom. Inside all seats were taken and standing room was used up.

First Testimony Taken. Among those who testified at the first day's hearing were George K. Howitt, proprietor of the stables at Fifth and Davis streets; S. O. Vicken, in charge of the barn; Deputy Coroner E. S. Smith; and Mrs. Anna De Corsey, who conducts the rooming house where Lind was killed November 15, 1915. The testimony was to set the legal scenery for the real drama which is to follow.

Howitt identified the curtained light wagon Bartholomew is said to have rented at the stables. He was not positive that Bartholomew rented the wagon on the particular day. Vicken positively identified Bartholomew and told how the accused signed the stable register with the name, "Ed Hopkins." Vicken said that Bartholomew asked for a gentle horse, one that would be run away. It was understood at the stables that the renter was going after "some chickens. After an absence of some two hours the horse and wagon were returned. Vicken started to ask if the man had obtained his chickens but, the witness said, he failed to get a reply. Bartholomew hurried away.

\$20,300 DAMAGES ARE ASKED

Claims Injuries Sustained by Husband in Collision Caused Insanity. Alleging that the injuries sustained by her husband rendered him insane, Eva McClelland, as guardian, is suing the Portland Railway, Light & Power company for \$20,300 damages. The case is on trial before Circuit Judge Morrow. The suit is the sequel to the

collision between a streetcar and a jitney in which Policeman J. J. McCarthy was killed. The accident took place at Hawthorne-avenue and East Eighth street July 1 last. The car company is blamed by the plaintiff for alleged failure to give the proper signal warning at the street intersection. In defense the company declares that the jitney, which was driven by Lou Billups, carelessly endeavored to cross the car track ahead of the car. McClelland and McCarthy were passengers in the auto. McClelland's injuries consisted of a fractured skull and sprained back. He was committed to the asylum September 5, 1916.

BROOMS AND FISTS ARE MIXED

Damage Suit Between Employer and Employee Is Dismissed.

A physical encounter which started from hot words and graduated into a fight featured by an attack with a broom and counter attacks with fists, had an inauspicious ending in the circuit court, when Sam Polos, who sued Claud Hart for \$2000 damages for personal injuries, lost the verdict to the defendant.

According to the testimony, Hart was a guest at a local hotel, and had left orders with Polos, an employee, to call him at a certain hour in the morning. For some reason Hart was left to sleep undisturbed when he should have been up and away. He chastised the employee, and during the altercation the broom stick at the guest, and the guest met the attack with his fists. The hotel man was worsted in the encounter.

NEW ATTEMPT TO AGREE WITH MEXICO IN VIEW

(Continued From Page One.)

conferences to settle the disputed points in the relations between the United States and the de facto government of Mexico, is said to be the plan of the administration. It is confidently expected that the action of the American section of the joint commission today will bring to an end the deliberations of the body. General Carranza has rejected the Atlantic City protocol because it provided specifically for the withdrawal of the American troops from Mexico. He has never officially recognized its presence on Mexican soil, he felt that it jeopardized his control of the de facto government of Mexico to sign the protocol.

Another Attempt Is Expected. It is practically certain that the plans of the administration to recall General Pershing from Mexico were not forced by the insistence of the de facto government, but by the fact, made clear by administration officials and Americans and Mexico, that the continued presence of the American troops would result eventually in the overthrow of Carranza. This would lead to control of small portions of Mexico by various elements in Mexico with none of whom the administration could deal.

Once the troops are out, it was pointed out today, arrangements for adequate border protection and for the protection of Americans and their property in Mexico can be discussed. It is generally understood here that another attempt to adjust these points will be made through the medium of a special commission of Americans and Carranzistas.

Arredondo's Going Fleeces. Dispatching Ambassador Fletcher to his post, expected now at any time, coupled with the withdrawal of the American column, will go far toward smoothing the private feelings of the de facto officials of Mexico. Officials here are frank in stating that the withdrawal of Ambassador Designate Arredondo, although under the guise of a temporary absence, removes another obstacle toward establishing a better basis for negotiations with the Carranza government.

It is not to be expected that announcement of the Pershing withdrawal will be made immediately. Unofficial and informal arrangements with the Mexican de facto government to occupy the territory evacuated by General Pershing must be completed before this step is taken, army officers said today.

Text of Protocol.

Following is the text of the protocol that Carranza rejected: "Protocol of agreement and referendum, withdrawal of American troops from Mexican territory and protection of the American-Mexican international boundary. Signed at Atlantic City, N. J., November 24, 1916. Memorandum of an agreement

ROADS WILL RETURN 15,000 EMPTY CARS TO THEIR OWNERS

Eastern Roads Have Been Using Western Cars for Transporting Munitions.

CARS WILL BE RETURNED

Southern Pacific Cuts Down Net Deficiency to Less Than 700 Since the Holidays.

During the holidays the Southern Pacific managed to catch up somewhat with the shortage, decreasing car orders for the last few days allowing the car receipts at Ashland to gain a little. It was reported this morning that the net shortage in Oregon is now between 600 and 700 cars. This is nearly 1000 less than before the holidays.

More relief was apparent today than for a long time in the general car situation, although all the roads are still carrying to supply rolling stock to shippers. Fifteen thousand empty cars, owned by western railroads and being held by the eastern lines, are being turned over to their rightful owners of the American Railway association. Estimates of ownership recently made are only approximate, but it is believed that nearly half of them will be liberated within the next few weeks.

It has been the happy practice of the eastern roads, upon receiving a car loaded with Oregon lumber, for example, to unload the car at its destination and, instead of reloading it with something for the Oregon country, send it to some nearby munitions plant to take on a load of dynamite, ultimately to blow up a trench or a bridge or a town in the war zone.

Shuttle-Cooked. Neither through-shuttles nor the car's deadly contents had been removed, it would be sent to some cotton mill in the south to pick up a load of bolls or to a steel mill to be loaded with shells. The de facto government would be sent to some other plant. Somehow, the eastern railway managers forgot where the car belonged, and that people out west were suffering because of the shortage. The Interstate Commerce commission tried to help the situation in the west and did. But it remained for the railroads themselves, through their nation-wide association, to realize the true meaning of the car shortage situation. The association promulgated a set of rules which are enforced by imposition of heavy fines for undue detention of cars away from their own territory.

All Roads Offended. All the big eastern roads offended alike against the west. The New York Central, the Pennsylvania, the Boston & Maine, the New York, New Haven & Hartford, the Erie, the Central of Georgia, the Southern, and all. Several lines have been placed on a late upon carriers that failed to return others' property on time, and as a result, many local railroad men believe the shortage here is about to be relieved on a permanent basis.

The western roads, in fact, contributed heavily to what relief from the shortage already has been effected. They have been generous in allowing any box cars to leave their own lines. Finally, it got to be that a western road would not let a car sit in its yards until the connecting line had turned over one empty car to take its place.

signed this 24th day of November, 1916, by Franklin K. Lane, George Gray and John R. Mott, special commissioners of the president of the United States of America, and Luis Cabrera, Ygnacio Bonillas and Alberto J. Pani, special commissioners of the de facto government of Mexico, in the presence of the first chief of the constitutional army, entrusted with the executive power of the Mexican nation: "Article 1. The government of the United States agrees to begin the withdrawal of American troops from Mexican soil as soon as practicable, such withdrawal subject to the further terms of this agreement, to be completed not later than — That is to say, 40 days after the approval of this agreement by both governments.

Plans for Withdrawal. "Article 2. The American commander shall determine the manner in which the withdrawal shall be effected, so as to insure the safety of the territory affected by the withdrawal. "Article 3. The territory evacuated by the American troops shall be occupied and adequately protected by the Constitutional forces and such evacuation shall take place when the Constitutional forces have taken position to the south of the American forces, so as to make effective such occupation and protection. The Mexican commissioners shall determine the plan for the occupation and protection of the territory evacuated by the American forces.

"Article 4. The American and Mexican commanders shall deal separately or, wherever practicable, in friendly cooperation, with any obstacles which may arise tending to delay the withdrawal. In case there are any further activities of the forces inimical to the Constitutional government which threaten the safety of the international border along the northern section of Chihuahua, the withdrawal of American forces shall not be delayed beyond the period strictly necessary to overcome such activities.

Cooperation Provided For. "Article 5. The withdrawal of American troops shall be effected by marching to Columbus, or by using the Mexican Northwestern railroad to El Paso, or by both routes, as may be deemed most convenient or expedient by the American commander. "Article 6. Each of the governments parties to this agreement shall guard its side of the international boundary. This, however, does not preclude such cooperation on the part of the military commanders of both countries as may be practicable. "Article 7. This agreement shall take effect immediately upon approval of the governments. Notification of approval shall be communicated by each government to the other. "In testimony thereof, we have signed, sealed and interchanged reciprocally this protocol of agreement, and referendum in the English and Spanish languages, at Atlantic City, N. J., this twenty-fourth day of November in the year of our Lord, one thousand nine hundred and sixteen. "FRANKLIN K. LANE, "GEORGE GRAY, "JOHN R. MOTT, "LUIS CABRERA, "YGNACIO BONILLAS, "ALBERTO J. PANI."

Sellwood Y. M. C. A. Community Center

Key Was Formally Turned Over to the City; Political and Religious Meetings and Dancing Tabooed.

The formal opening of the Sellwood Y. M. C. A. as a community center was held Tuesday night with a large and enthusiastic gathering. Mrs. W. D. Palmer, president of the Ladies Auxiliary, presided and in the absence from illness of H. W. Stone, secretary of the Central Y. M. C. A., formally turned over the key and building to the city of Portland. Park Superintendent J. A. Conville accepted them for the city and outlined the activities to be followed under the new supervision.

No political or religious meetings or dancing will be permitted in the building, while under the city administration. R. G. Johnson will be in charge of the building. Miss Beatrice Doty will be the physical director for the women and girls departments who Edith Crow will have charge of the men and boys' classes. Hearty cooperation in maintaining the community center was given by Professor J. K. Hart of Reed College, Professor H. Morgan of the Sellwood public school, H. M. Huff, president of the Sellwood board of trade, Rev. W. S. McCullough of the Sellwood Baptist church, and Miss Mary Mallett, H. L. German and A. N. Willis also spoke. Registration will begin today and the gymnasium work will commence tomorrow.

JOHN WILBUR MENZIES, A NATIVE OREGONIAN, IS CALLED BY DEATH

Funeral for Member of Large and Prominent Pioneer Family Set for Thursday.

John Wilbur Menzies of this city died at his residence, 229 East Nineteenth street, Tuesday morning, January 2. Mr. Menzies was a native Oregonian, and a son of Captain James Menzies. He was born in 1864 and lived for many years in this city. He also lived for some years in Lebanon, Or., and later in Roslyn, Wash. For the past three years he had resided in Portland. Besides his widow and two daughters, Miss Ida Menzies of this city and Mrs. W. E. Mumma of Roslyn, Wash., he leaves five sisters and one brother, Mrs. George W. Bates and Mrs. John Parsons of this city, Mrs. D. M. Roberts of Gresham, Or., Mrs. J. Ambrose of Bellingham, Wash., Mrs. J. Joslin of Fairbanks, Alaska, and J. F. Menzies of Carbondale, Wash. The funeral will be held at the residence on Thursday at 2 o'clock.

FRANK VAN STRALEN DIES

Manufacturer of Brick and Tile Had Long Been in Business.

At the age of 78, Frank Van Stralen of North Plains, Or., died on January 2 at the home of his daughter in this city, Mrs. Lena Johnson, of 900 East Grand street. He had been engaged in brick and tile making in and near North Plains for the last 25 years, and came to the United States from his native Holland some years before that. Mr. Van Stralen is survived by his widow, Mrs. Marie Van Stralen, and by three sons and seven daughters, as follows: Anthony Van Stralen, of South Dakota; Charles Van Stralen, of Bremerton, Wash.; Albert Van Stralen, of La Duke, Canada; Mrs. Sophia Lude-man, Mrs. J. H. Kennedy, Mrs. Hettie Smythe and Mrs. Johnson, of Portland; Miss Gertrude Van Stralen, of North Plains; Mrs. A. C. Shooven, of Vancouver, B. C.; Mrs. A. Provost, of Witch Hazel, Or.

CONTRACTOR WELL KNOWN

Andrew J. McCabe Dies in California After Long Illness.

Andrew J. McCabe, a well known railroad contractor, formerly of this city, died in Menorville, Cal., on January 1, following a long illness. Mr. McCabe is survived by a sister, Mrs. Frank Villa, of 371 East Twentieth street, and a brother residing in the east. He was 60 years of age and had followed railroad construction work for many years in the northwest. He and his brother, George McCabe, who died some time ago, were well known to all the railroad construction men. They completed contracts on every railroad line leading out of Portland.

Native of Sweden Called.

Mrs. Mattie Stenberg, aged 77, a native of Sweden, died on January 1, near Sycamore station. Mrs. Stenberg came to Oregon 60 years ago, and was widely known in Clatsamas and Multnomah counties to the early settlers. Funeral services will be conducted at her late home on Thursday, January 4, at 2 p. m. A. D. Kenworthy & Co. will have charge of arrangements, and flowers may be sent to them at Lents.

Pioneer Manufacturer Buried.

The funeral of Samuel Lowenstein, the pioneer furniture manufacturer and business man, was held Tuesday at J. P. Finley & Son's chapel, Rabbi Jonah B. Wise officiating.

Octogenarian Passes in Washington

Mrs. Christine Lottick, mother of C. C. and P. Lottick of this city, died in Port Angeles, Wash., at the age of 81. She formerly resided in Portland.

Marriage Licenses Issued.

Vancouver, Wash., Jan. 2.—Marriage licenses were issued today to the following: Robert W. Hawley, legal, and Mrs. Clara Whitaker, legal, of Portland; Harry Adams, 24, of Portland, and Mrs. Estella Schultz, 30, of Gresham, Or.; Earl C. Palmer, 28, and Sadie M. Hendrick, 17, of Hubbard, Or.; John McLeod, 26, and Mrs. A. Gibbons, 62, of Washougal; Charles H. Forney, 45, of Bend, Or., and Mrs. Lettie Wilson, 38, of Portland; Harry M. Seabold, 24, and Ruth M. Weaver, 19, of Portland; Melvin E. Ross, legal, and M. Reba Mendenhall, legal, of Portland; Christian Luth, 30, of Vancouver Barracks, and Isabelle Reynolds, 19, of Vancouver; Andrew T. Smith, legal, and Cecelia Stampfli, legal, of Banks, Or.; L. S. Warner, 31, and Lillian Claussen, 21, of Portland.

CONTRACTOR HOWARD ACCUSED OF PUTTING UP IRREGULAR CHECK

Auditor Suspicious and Says He Found Bidder Had No Funds in Lumbermens.

CERTIFICATION NOT SAME

Affair Will Be Reported to City Council for Action by That Body; Bid May Be Refused.

Submitting a check purporting to have been certified by the Lumbermens National bank when in reality it was not, may result in Harry Howard, a local contractor, being rejected as a bidder on the city work. The supposed certified check was submitted along with his bid for the reconstruction of the Tanner street sewer. The irregularities were found when the bids were opened by City Auditor Barburb this morning. Howard submitted the lowest figure, offering to do the work for \$277,896.52. The proposals called for a certified check of 10 per cent of the total. An order from the Lumbermens National bank calling for the payment of \$28,000 was found attached to the bid. This offer was undated. Across its face was stamped the single word "certified," and beneath it the initials A. W. B., "note teller." The word "certified" had apparently been placed on the order with a rubber stamp.

Auditor Becomes Suspicious. Auditor Barburb became suspicious and immediately called up the bank officials to learn if they had certified Howard's check for the \$28,000. Barburb was told that Howard had no funds in that bank. Later he went to the bank and secured a copy of the certification stamp signature. The bank's certification and the certification on the check were not similar in any respect. Barburb is to report the irregularities to the council.

Efforts to reach Mr. Howard to get him to explain the irregularities were unsuccessful. Glebach & Joplin, who bid on the work once before, bid again today, their price being \$308,771.95, or about \$300 less than the original offer.

E. T. Johnson, another contractor, offered to do the work, furnishing machinery and appliances, provided the city would pay for the materials, etc. He would do the work on a percentage basis. No figures were submitted, however. If the council sees fit to reject Howard's bid and refuse to consider Johnson's bid because it is not in compliance with specifications, Glebach & Joplin will be named the lowest regular bidder.

TAXI JITS ARE DISCUSSED

Deputy City Attorney Says Exact Fare Posted Must Be Charged.

While the "taxi-jits" are now operating on an hourly basis with passengers carried into certain districts paying their pro rata share of the hourly basis rate, Deputy City Attorney Tomlinson says that they cannot successfully operate under the new plan without violating the law. Mr. Tomlinson has so notified Commissioner Dick, now supervising the

Marguerite CLARK

in her entrancing new 7-act Paramount picture, "Snow White"

upsetting all attendance records. Only a few days more—11 A. M. to 11 P. M. Come early if you can.

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transportation facilities, and it is probable that efforts will be made to arrest drivers of "taxi-jits" if they continue their operations. The "taxi-jits" have arranged their schedules so that the rates would be 5 cents per passenger in certain districts. Tomlinson says, however, that if one passenger only is carried, this passenger would be required, under the ordinance, to pay the proportionate amount of the hourly charge, which would be in excess of 5 cents. He says that the ordinance prohibits drivers from accepting a greater or less amount for service than the rate posted in the machine and with Commissioner Dick.

LIFT SPAN OF BRIDGE RAISED SO WORKMEN CAN BREAK UP FORMS

Paving Begun on Last Span Put Into Position; Will Be Finished Soon as Possible.

Vancouver, Wash., Jan. 2.—The lift span of the new Pacific highway bridge was raised to the top of the towers about 1 o'clock this afternoon and allowed to remain there the greater part of the afternoon. This was done so that the counterweights might be lowered to the level of the other spans and facilitate the operations of workmen engaged in tearing away the board forms used in the construction of the weights. Paving operations on the span set into position December 23 were commenced and will be pushed as rapidly as the weather will permit. A large crew is engaged in laying the Portland Cement Concrete & Power company's connecting tracks on Hayden Island and this work should be completed soon. The track has already been laid to the point where it leaves the embankment and much concrete filling between the ties has been put in. As soon as this work is completed the Warren Construction company will complete the paving of the fill between the main bridge and the girder spans across the slough.

Markets in Orient Are Quest of Oregon

Oregon manufactured articles are to be pushed in the market of the orient by a special representative of the new corporate concern of Murphy Bros.-Moran Co. T. J. Felix Moran started Tuesday night for Seattle, whence he expects to sail for Hongkong on Friday.

Mr. Moran has qualified as an expert on business in Japan, China and the Philippines through an actual residence of 10 years in the far east. He explained that the business psychological time for the United States to get into foreign trade and he proposes to use his experience and abilities to further this movement.

Fourteen Oregon concerns will be represented by Mr. Moran, including manufacturers of pumps, biscuits, meat products, dried fruits, shoes, ready-built houses, cooking utensils, paper, soap, harness and other materials. A number of eastern concerns also will be represented.

MAJESTIC LAST DAY

GEORGE WALSH in the Island of Desire

Starting Tomorrow

PEGGY HYLAND

in Rose of the South Three Days Only

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COLUMBIA
The Theatre Beautiful—Sixth at Washington
Last Times—
3 in Many
A Story of Friendship and Love — Beautifully Staged, Splendidly Acted.
SCENIC—The Island of Kyuschu.
COMEDY—Shooting His Art Out—A fast and furious one.

THE OREGON DAILY JOURNAL, PORTLAND, WEDNESDAY, JANUARY 3, 1917.

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