COURT DISAGREES; NEW ARGUMENT IN CASE NECESSARY

Appeal of William A. Butler, Held Guilty of Killing McDonald Stewart, to Be Resubmitted.

$25 PENALTY IS IMPOSED

Delia Hedler Is Ordered to Pay Costs to Louis Hedler as Result of Delay in Filing Brief.

Salem, July 29.—The supreme court today ordered a reargument in the case of the State vs. Butler, in which William A. Butler had appealed from the decision of the Jackson county court, which had convicted him on the charge of killing McDonald Stewart on October 29, 1917. The department before which the previous argument was heard has been unable to agree on an opinion in the appeal.

Delia Hedler was ordered by the supreme court today to pay $25 to Louis Hedler as a penalty for default in filing a brief in the case of Hedler vs. Hedler, an appeal from the Multnomah county circuit court in a suit for the division of property. The defendant, Louis Hedler, had moved to dismiss the case because of failure of the plaintiff to file a brief in the specified time. The court excuses the default and allows the brief to be filed upon the payment of $25 to the defendant to cover costs.

Seven opinions were handed down by the court this morning as follows: Andrew H. Hinkson vs. Kansas City Life Insurance company, a corporation, appellant; appeal from Lane county; suit to recover money paid as premium on insurance policy. Opinion by Justice Johns. Judge G. F. Skipworth affirmed.

J. G. Houck vs. Hilla A. C. Houck, et al, appellants; appeal from Josephine county; controversey over title to property. Opinion by Justice Johns. Judge F. M. Calkins reversed.

C. L. Newman vs. Multnomah Fuel company, appellant; appeal from Multnomah county; suit alleging breach of contract. Opinion by Justice Johns. Judge C. U. Gantenbein affirmed.

John J. Smith vs. J. R. Headlee et al., appellants; appeal from Columbia county; suit to have a deed declared a mortgage. Opinion by Justice Bean. Judge James A. Eakin affirmed.

Bell Nickell, appellant, vs. Effie May Terrill et al.; appeal from Jackson county; appeal from judgment of nonsuit in action to recover on promissory note. Opinion by Justice Harris. Judge F. M. Collins affirmed.

A. G. Spexarth, appellant, vs. W. A. Sherman, as county treasurer of Clatsop county; appeal from Clatsop county; suit to restrain treasurer from collecting penalty upon taxes. Opinion by Chief Justice McBride. Judge J. A. Eakin affirmed.

Lee McCracken vs. Bay City Land company, appellant; appeal from Tillamook county; suit to rescind contract for the purchase of lot in Central addition to Bay City. Opinion by Justice Benson. Judge George R. Bagley reversed.

Petition for rehearing denied in case of Saling vs. First National bank.

Portland's Coolest Spot

COLUMBIA
KE-COOLED
Direction of Jensen & Von Herberg

TODAY

MARGUERITE CLARK IN GIRLS

The genuine delight of our large audiences proclaims this one of the best pictures we have ever shown.

COMING Saturday—D. W. GRIFFITH'S "TRUE HEART SUSIE" With Lillian Gish and Bobbie Herron

COLUMBIA
KE-COOLED

Diseased Skin

Freedom at once from the agony of skin disease. The soothing wash of oils. Try D. D. D.—it's different. 35c, 60c and $1.00. We guarantee the first bottle.

D.D.D.
THE Lotion for Skin Disease
The Owl Drug Co.
Skidmore Drug Co. —Adv.

England Is Seeking Control of American Oil, Asserts Phelan

Washington, July 29.—(I. N. S.)—Great Britain is attempting to secure control of the American production of oil, Senator Phelan of California charged in the senate this afternoon.

The senate this afternoon passed the Poindexter resolution ordering a federal trade commission investigation of the oil industry and oil prices, particularly on the Pacific coast.

PRESIDENT GIVES PACT TO SENATE

(Continued From Page One)

I take pleasure in laying before you a treaty with the republic of France, the object of which is to secure that republic the immediate aid of the United States of America in case of any unprovoked movement of aggression against her on the part of Germany. I earnestly hope that this treaty will meet with your cordial approval and will receive an early ratification at your hands, along with the treaty of peace with Germany. Now that you have had an opportunity to examine the great document I presented to you two weeks ago, it seems opportune to lay before you this treaty which is meant to be in effect a part of it.

FOR IMMEDIATE HELP

"It was signed on the same day with the treaty of peace, and is intended as a temporary supplement to it. It is believed that the treaty of peace with Germany itself provides adequate protection to France against aggression from her recent enemy on the east; but the years immediately ahead of us contain many incalculable possibilities. The covenant of the League of Nations provides for military action for the protection of its members only upon advice of the council of the league—advice to be given, it is presumed, only upon deliberation and acted upon by each of the governments of the member states only if its own judgment justifies such action. The object of the special treaty with France, which I now submit to you, is to provide for immediate military assistance to France by the United States in case of any unprovoked movement of aggression against her by Germany, without waiting for the advice of the council of the League of Nations that such action be taken. It is to be an arrangement, not independent of the League of Nations, but under it.

OWE DEBT TO FRANCE

It is therefore expressly provided that this treaty shall be made the subject of consideration at the same time with the treaty of peace with Germany; that this special arrangement shall receive the approval of the council of the league; and that this special provision for the safety of France shall remain in force only until, upon the application of one of the parties to it, the council of the league, acting if necessary, by a majority vote, shall agree that the provisions of the covenant of the league afford her sufficient protection.

I was moved to sign this treaty by considerations which will, I hope, seem as persuasive and as irresistible to you as they seem to me. We are bound to France by ties of friendship which we have always regarded, and shall always regard, as peculiarly sacred. She assisted us to win our freedom as a nation. It is seriously to be doubted whether we could have won it without her gallant and timely aid.

NEW DAY DAWNS

We have recently had the privilege of assisting in driving enemies who were also enemies of the world from her soil, but that does not pay our debt to her. Nothing can pay such a debt. She now desires that we should promise to lend our great force to keep her safe against the power she has had most reason to fear. Another great nation volunteers the same promise. It is one of the fine reversals of history that the other nation should be the very power from whom France fought to set us free. A new day has dawned. Old antagonisms are forgotten. The common cause of freedom and enlightenment has created new comradeship and a new perception of what is wise and necessary for great nations to do to free the world of intolerable fear. Two governments who wish to be members of the League of Nations ask leave of the council of the league to be permitted to go to the assistance of a friend whose situation has been found to be one of peculiar peril, without awaiting the advice of the league to act.

HONOR BEFORE PEACE

It is by taking such pledges as this that we prove ourselves faithful to the utmost to the high obligations of gratitude and tested friendships. Such an act as this seems to me one of the proofs that we are a people that sees the true heart of duty and prefers honor to its own separate course of peace.

WOODROW WILSON.

Alexander Seavey Family Reunion Is Held on McKenzie

Eugene, July 29.—Fifty relatives and descendents of the Alexander Seavey family held a reunion at the old homestead on the McKenzie river Sunday, the sixth annual event of its kind. Among the close relatives present were: W. C. Seavey and family of Donna, Tom Seavey and family from the Mohawk river, Mrs. Douglass Wassom and family, Mrs. Althea Stoneburg and Herman Wilkins of Coburg, Mrs. Michael Wilkins of Cheyenne, J. W. Seavey and family of Eugene, J. A. Seavey and family of Corvallis, and Mrs. Edwin Bushnell of Eugene.

Boy's Death Caused By 'Unloaded' Rifle

Kalama, Wash., July 29.—An "unloaded" boy's rifle caused the death Monday of Johannes Burch, 15 years old. Adonis Stewart, 12 years old, took his gun from a woodshed, playfully pointed it at his playmate and, saying, "I'll kill you," pulled the trigger. The shot entered Burch's heart. The funeral was held this afternoon.

BARBER DENIES THAT HE WAS LOST WHILE OUT ON HUNTING TRIP

State Insurance Commissioner-to-Be Asserts He Expected Companions to Follow.

Salem, July 29.—State Insurance Commissioner-to-be A. C. Barber, who was back at his desk in the insurance department at the state capitol Monday morning, after a curtailed vacation, denies that he was lost, as reported here Thursday, or even for a minute so much as wandered from the trail.

After leaving his hunting companions, H. Sykes, Ralph White and Herman Barr, Barber says he continued on over the ridge beyond Brietenbush Hot Springs into Jefferson park, thinking the other members of the party would follow. That night (Tuesday) he spent with another party of campers, who, however, continued on their way Wednesday, leaving him alone. Wednesday night he spent alone in the park at the foot of Mount Jefferson, clothed only in his light hunting garb, without even a coat or a blanket for cover and with ice forming on the small pools and streams all around him. The next day he started back toward Breitenbush, he says, in search of the other members of the party and met the searching party on its way out to look for him. There is no occasion for anyone who is at all familiar with outdoor life becoming lost in that region, he declares, as the trails are all plainly marked.

ARTICLES OF INCORPORATION FILED BY FOUR COMPANIES

Salem, July 29.—Articles of incorporation were filed with Corporation Commissioner Schueldermann, Monday, as follows:

Northwest Poultry corporation, Portland, $25,000, C. S. Ogsbury, B. L. Ogsbury and H. C. Luhr.

St. Helens Dock & Terminal company, St. Helens, $200,000, H. F. McCormick, John Sten and Charles I. Wheeler.

Coos Canning company, $25,000, Marshfield, John D. Goss, R. H. Corey and Ben S. Fisher.

"2-J" Soap company, Portland, $2700, W. B. Mitchell, O. P. Church and G. W. Butterworth.

HEARINGS BY WATER BOARD TO BE HELD IN SEPTEMBER

Salem, July 29.—George T. Cochran of La Grande was here Monday attending a meeting of the state water board at which tentative dates were decided upon for hearings for the purpose of adjudicating water rights on White River, Fifteen Mile creek, Snow creek, Thomas creek, Cottonwood creek and Drews creek. These hearings will be held early in September, definite dates to be announced later.

Governor Invited to Fair

Salem, July 29.—Governor Olcott has been invited by Governor Hart of Washington, to be the latter's guest at the Washington state fair at Yakima on Governor's day, September 18.

Hospital Inmate Escapes

Salem, July 29.—Edward Malloy, committed to the state hospital from Curry county last September, made his escape from the cottage farm Sunday night.

TELEPHONE RATES ARE INCREASED

(Continued From Page One)

month, $2.75 with desk set.

Four-party residence (measured) $1.50 for 30 calls, 3c for each additional call canceled.

Subruban residence, $2.50 to $3 per month, $3.25 with desk set.

Extension residence, desk with bell, 90 cents to $1 per month.

Apartment house rates are canceled and the regular residence rates as promulgated in the order substituted. Extension telephones (business) are included in the rise, rates being changed from 75 and 90 cents to $1 a month.

WAGES INCREASES CAUSE

Defending the company's action on the ground that the recent wage increases demand added revenue, Mr. Phillips this morning said that, inasmuch as the public had been anxious to have wages of company employes increased, they would be equally anxious to provide funds with which to bring about such increases. No material trouble will be experienced by the removal of phones, he said, because telephone users will accept "in the spirit in which the increases are made" the cause for the rate rise.

"The increased rates for telephone service effective today throughout the state of Oregon, as well as the city of Portland, are a direct consequence of the heavy increase in wages effective June 16, amounting to in excess of $225,000 for the state," Mr. Phillips said. "These wages go to the people who work for the company and who render this service. The public has been made very familiar with the difficulties involved in attempting to give telephone service under wages heretofore in effect.

APPROVED BY BURLESON

"These rates are put in by the federal administration, effective at once because of the financial necessities precipitated by this heavy increase in wages. The rates in each particular instance are rates approved by the postmaster general on or before June 6. These particular rates are made effective for the reason that in each instance they are believed to be just and reasonable rates in and of themselves for the service to which they apply, but they also constitute the only unquestionably legal rates in each and every instance. The public has been paying rates recently fixed in an order issued by the public service commission of Oregon, which became effective May 1.

"With regard to the public service commission and its order, it will be remembered that the investigation instituted by the commission last November and one of the most thorough ever carried out by any commission resulted in an increase of rates effective in May. The relief involved in that order as stated by the commission was designed to cover only wage increases which had been made effective the year previous with particular reference to wage increases of November, 1918.

FEDERAL CONTROL BARS ATTACK

"The commission withheld the application of increased rates until the first of May and then made applicable the rates which have been paid since May 1. The validity of the commission's action and of its order has been attacked in the state courts and the telephone company and the federal administration are forced to the conclusion that the only rates the legality of which is beyond question are the rates actually approved by the postmaster general during the period of federal control. They are the rates contemplated by the act of congress and which will be effective for four months after federal control or until reviewed by state authorities.

"As stated in the letter filed with the public service commission, the company recognizes that the commission's jurisdiction is restored on August 1 with full power to review the rates now made effective after due hearing and order.

RESIDENCES HIT HARDEST

"The changes in rates apply particularly to the residence service, changes having been made in the principal business rates May 1. At that time the only change in residence rates was the establishment of a differential rate of 25 cents for the use of desk telephones above the rate for wall telephones.

"The increased rates will yield an annual revenue upwards of $250,000, but as the increase in wages is upwards of $225,000, of which amount $152,000 is for Portland, the net return to the company with the rates now made effective is approximately 2½ per cent on the valuation of its property at $13,464,000 as found by the public service commission.

"The new schedule of rates is identical with the one approved by the postmaster general for the state of Washington, which was made effective March 1. The rates are the same in both states for exchanges that are comparable and the rates for Portland are the same as the rates for Seattle.

AUGUST BILLS AT NEW RATE

"All business taken on and after July 29 will be at the new rates and bills to present subscribers for August will be rendered at the new rates.

"We believe that no proof as to the advanced cost of living and the general high costs prevailing for labor and materials is necessary and that the telephone-using public will accept this increase in telephone rates in the same spirit of fairness and consideration as it has the advances in almost every other necessity in these unusual times."

In his letter to the public service commission on Monday Mr. Phillips said:

"Referring to rates filed with your commission on July 14, conforming with your conclusions as expressed in order 499, we desire to inform you that this filing and the rates involved thereunder are canceled, effective July 29. We are handing you herewith tariffs carrying rates effective July 29 in lieu of those canceled. On and after July 29 new business will be accepted only at the rates carried by the tariffs now filed, and all subscribers will be billed accordingly. The tariffs now filed cover rates, rules and regulations as approved by the postmaster general on or before June 6.

BURLESON MADE RATES

"Except as modified by subsequent orders of the postmaster general, the exchange rates involved are those approved by the postmaster general on November 15, 1918. In explanation we direct your attention to the act of congress, signed by the president on July 11, which makes particular reference to rates approved by the postmaster general on or before June 6. The rates, rules and regulations covered by the tariffs now handed you, effective July 29, are the only rates so approved by the postmaster general for Oregon for this company.

"The effort which has been conscientiously made for three months to give telephone service in Oregon under the rates suggested by the commission is now made impracticable by heavy wage increases, effective June 16, for which no provision is made in the rates suggested by the commission.

STATE CONTROL IN AUGUST

"By the act of congress referred to, your jurisdiction is restored August 1. The rates approved by the postmaster general now made effective July 29 will be subject to review by you after August 1. They will, of course, be subject to such change as the commission may find just and reasonable after due hearing and order. The wage increases made effective June 16, together with the general necessities of the business in Oregon, would have required an immediate application for higher rates in all events.

"We will be glad to cooperate with you to the end that the rates now made effective be reviewed by you based on application by us for your approval or on your motion or on complaint as you may prefer."

COURSE OF COMMISSION

The course of the public service commission in the matter is problematical. That there will be an effort to overthrow the rate schedule when the commission has that power was indicated Monday night by members of the commission who announced that they would call on Attorney General Brown for a decision as to what their course could be under the law.

Commissioner Corey anticipated such a move on the part of the company, he said, in view om the same company's similar action in California recently. In any event, the commissioners believe, they are powerless for four months, although Mr. Phillips declares the rates could be ordered lowered before that time.

"It appears that activity on our part is not possible in less than four months," Commissioner Buchtel said. "In the meantime, however, we shall have a fair and reasonable rate schedule ready to be made effective as soon as possible."

INCREASE STATEWIDE AND AMOUNTS TO 25 PER CENT

Salem, July 29.—Increases in telephone rates amounting to 25 per cent and upwards on all lines of the Pacific Telephone & Telegraph company are effective today according to schedules just filed with the state public service commission, which body is at the same time notified that the rates instituted by the state commission and effective May 1 last are nullified by the act of congress signed by the president on July 11. The new rates are the same as those which were to have gone into effect in this state November 15, 1918, but which were forestalled by protest of the state commission and its order granting increases sufficient to meet increased wage demands.

In its letter to the state commission the telephone company recognizes its jurisdiction is restored August 1, but declares that the schedule of rates just filed are effective for a period of four months unless altered in the meantime by the state regulatory body after proper hearings have been held.

How You Can Remove Every Trace of Hair

(Toilet Talks)

A stiff paste made with some powdered delatone and water and spread on a hairy surface about 2 minutes will, when removed, take every trace of hair with it. The skin should then be washed to free it from the remaining delatone. No harm can result from this treatment, but be sure it is delatone you get and you will not be disappointed.—Adv.

BITRO PHOSPHATE
FAMOUS FRENCH DISCOVERY
replaces nerve wastage, increases strength, energy, endurance and vigor, builds firm healthy flesh.
BEST THING KNOWN FOR THIN NERVOUS PEOPLE

AT AGE SEVENTY MAKES A GAIN OF 25 POUNDS

Mrs. Rollins Feels Better Than in Twenty Years—"Tanlac Is Worth Weight in Gold."

"I am 70 years old, and have been in poor health for a good many years, but since taking Tanlac I feel better in every way than I have for 20 years, and have actually gained 25 pounds in weight," said Mrs. M. B. Rollins, who lives at 110 West 39th street, Seattle, the other day.

"When I moved to Seattle about 12 years ago," she continued, "I was in hopes that the climate here would help to improve the condition of my health, but I have been gradually growing worse all the time. I suffered constantly from stomach trouble, and what I ate caused me so much misery that I had actually reached the point where I dreaded to see meal time come. I suffered terribly from rheumatism, too, and sometimes my feet and legs were so badly swollen that I could hardly walk, and my arms would get so stiff and sore that I couldn't use them at all. More than half the time I wasn't able to wear my shoes. In fact, I had gotten to where I was in misery nearly all the time. My nerves were in such awful condition that the least noise would upset me, and I never got a good night's sleep. I finally got so weak and run down that I just had to give up and go to bed, and for five weeks my folks didn't have any hopes that I would ever get up again.

"Then I heard about Tanlac and the good it was doing so many people, and I told my son that I would make one more effort to get well, and asked him to get me a bottle. Well, to make a long story short, I am perfectly well again, and Tanlac is responsible for it. Why, I honestly feel 20 years younger, and am so well and strong now that I can get around and do all my housework without the least trouble. I have a fine appetite, and eat just anything I want and never suffer the least bit afterwards. The rheumatism has left me entirely and so has all that swelling in my feet and legs. My nerves seem to be in perfect condition, and I sleep soundly for eight or nine hours every night. The way Tanlac has overcome my troubles and built me up is more like a miracle than anything else, and any medicine that will do that much for a person my age is certainly worth its weight in gold."

Tanlac is sold in Portland by the Owl Drug Co.—Adv.

LIBERTY
DIRECTION OF JENSEN-VON HERBERG
"LIBERTY CORNER"
11 AM 11 PM

LAST TIMES TONIGHT

WM. S. HART IN "SQUARE DEAL SANDERSON"

EVERY ETHEL CLAYTON PICTURE IS A GOOD ONE. THIS ONE, COMING TOMORROW, IS EXCEPTIONAL IN ITS DELIGHTFULLY INVENTIVE STORY, BEAUTY OF SCENES AND CLEVERNESS OF ACTING ON THE PART OF THE STAR AND HER LEADING MAN, JACK HOLT

(MOUSTACHE SHAVED OFF 'N EVERYTHING)

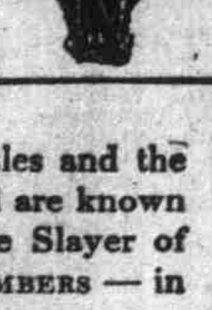
STARTS TOMORROW—THREE DAYS

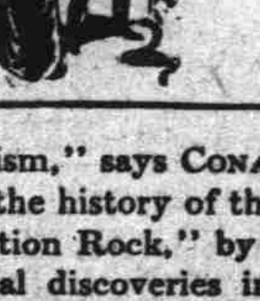
Hearst's Magazine—a Liberal Education

The object of Hearst's is to entertain and enlighten. Through all its entertainment, however, runs a certain serious purpose—a definite mission. And that mission is to discuss, elucidate and solve—so far as is possible—the vital questions of family and public life that people everywhere are themselves considering and discussing.

Not since Cervantes wrote Don Quixote has a Spanish novelist attained such universal popularity as Vicente Blasco Ibáñez—author of "The Four Horsemen of the Apocalypse." In Hearst's for August comes Ibáñez' first short story—"A Serbian Night." In the same issue are stories by Robert W. Chambers, Richard Washburn Child, Frederic Arnold Kummer, Arthur Somers Roche and others.

Can any real man from God's own open country loiter about New York City without corroding his very soul? That is the theme of ARTHUR STRINGER's masterly novel now running in Hearst's. Competent critics pronounce "This Light Must Live" the best serial in any magazine.





The magic of the Sheikhs El Djebel—the Eight Castles and the 50,000 Hassanis in white turbans and robes of white—all are known to Tressa Norne, the blue-eyed American girl. "The Slayer of Souls," a new series of stories by ROBERT W. CHAMBERS—in Hearst's for August.

"Spiritualism," says CONAN DOYLE, "is the most important development in the history of the human race." Now comes a great novel, "Resurrection Rock," by Edwin Balmer, showing some of the most sensational discoveries in spiritualism. Begin it in the new August Hearst's. In the same number are novels by Arthur Stringer, E. Phillips Oppenheim and Gouverneur Morris.

If you are not interested in a magazine a bit beyond the ordinary—if you don't particularly care for a magazine that will make you think—you won't want Hearst's this month or any other. But if you want the works of the world's great writers; if you want the words of the world's real leaders; if you want the thoughts of the world's great thinkers; don't fail to make sure each month—starting today with August—of your regular copy of

Hearst's
A Magazine with a Mission