

LICENSE SYSTEM WILL BE EXTENDED TO CIGAR STANDS

Cigar stands of Portland will have to secure licenses from the city. This was decided upon by the city council Thursday afternoon, and it instructed License Inspector Joseph Hutchinson to prepare an ordinance to this effect, which probably will be passed next Wednesday, under emergency provisions.

The license fee may be only \$1 a year as that is a mere incidental, the real purpose being to give the police department direct supervision of the cigar stands at the same locations and that these are used to cover illicit trade in liquors.

EAST SEVENTY-FIRST SEWER

ESTIMATED TO COST \$5795
The proposed East Seventy-first street and Halsey street sewer system is estimated by the city engineer to cost \$5795. Remonstrances against the proposed sewer must be filed with the city auditor by August 15.

Commissioner Harbur has received notice from the Spokane, Portland & Seattle Railway company that it is ready to proceed at once with the improvement of the street surfaces adjacent to its tracks in Portland. This will include maintenance of the tracks of the Oregon Electric from the river to the North Bank station.

The city council will view the proposed location of a public garage on the east side of East Seventy-first street, between Linn avenue and Ochoco street, for which application has been made by R. H. Sheppard. A protest has been signed by all of the property owners or residents within an area of 200 feet of the proposed garage.

CITY GETS CHECK FOR JOB

IN PAYING HAWTHORNE SPAN
City Auditor Funk today received from the Multnomah county commissioners a check for \$2900 in payment for the paving work done by the municipal paving plant on the Hawthorne bridge.

Protests had been made to the county commissioners by certain Portland property owners, who took the stand that the county had no legal right to award contracts for improvement work to the city of Portland. District Attorney Evans advised the board that it was fully within its rights.

Bids are now being called for the paving of the Morrison street bridge and R. S. Dullin, superintendent of the municipal paving plant, states that he will submit a bid for this work.

MILWAUKIE STREET CAVE-IN

FURNISHES CITY PROBLEM
A problem has arisen over the manner in which an extensive cave-in of the sidewalk and bank on the west side of Milwaukee street, at Insley avenue, shall be handled. The cave-in extends for a stretch of about 500 feet along the river side of the street, and adjacent to properties that are of low value, but the work is necessary for the general use of this thoroughfare. The properties directly affected cannot stand the cost of reconstruction, as it will be necessary to put in a concrete retaining wall and the expense is estimated at approximately \$300,000. The public works department is considering the advisability of creating an improvement district to include the property on both sides of the street to the southerly city limits. The cost per lot is estimated to be from \$7 to \$8.

The city of Portland is in the market for one five-ton auto truck, and it wishes to put two used auto trucks in the exchange. Proposals will be opened by Assistant City Purchasing Agent Hooper at 11 o'clock of August 2.

Bids for the grading and other work on Woodward avenue, between Grand avenue and Milwaukee street, will be opened at 2 o'clock, August 1, at room 208, city hall.

Proposals for moving the old cottage at the isolation hospital, Kelly Butte, to a location adjacent to the new hospital, furnishing excavation, concrete foundation, etc., will be opened at the city hall at 2 o'clock, August 5.

City Engineer Laursen gives \$1144 as the estimated cost of a proposed Grand avenue culvert and Alberta street sewer system. The city council has passed a resolution of intention to proceed with this work.

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and as he got beyond the light, going south, he broke into a run. I heard his footsteps quicken. The screams were going on all the time."

Colgan's testimony was strengthened by the testimony of Mrs. Laura Howes, 1717 Harford street, who stated that she did not know what awakened her, but that she heard "rapid footsteps going west on Willis boulevard." The witnesses were both at points west of the Agee home on Willis boulevard.

G. T. Jepson, who slept that night in a tent near the corner of Willis boulevard and Portsmouth, just north of his house, stated that he heard someone walk rapidly past along the sidewalk just after he heard the screams. He did not get up to see who it was, however.

According to Colgan, the man wearing a black overcoat was first seen when he was 30 feet east of the intersection of Willis and Portsmouth, on the south side of the street. He turned down on the east side of Portsmouth. He was too far away to see the man's face.

When court reconvened this afternoon at 2 o'clock, John Collier, defense attorney, intended to call other witnesses to follow the movements of the man with the black overcoat.

Sometimes this afternoon it was expected that the testimony would come out as to where the overcoat with the bloody knife in the pocket, which Collier flashed before J. H. Klecker, state witness, Wednesday night, was found and by whom.

Hope of proving the state's claim that the head of Mrs. Agee, now bowed under the weight of charges that she was her husband's slayer, did not rest upon the pillow beside her husband on the night of his tragic murder, seemed to fade out this morning when Mrs. Agee's trial was resumed before Judge Morrow.

Collier presented for the defense the first important witnesses, whose testimony cut great swaths in the field of circumstantial evidence on which the state bases its demand for the death of the "grim widow."

The first piece of dynamite was put under the contention of the state when Collier called Thomas Jewell, a resident in the neighborhood of the Agee home, who declared he was the second man at the scene of the murder and the first man to enter the Agee home after Mrs. Agee rushed from its porch, screaming for help and crying that her husband was being killed.

Collier's charge of a frameup against Mrs. Agee was supported in the testimony of Jewell, who not only accounted for the presence of lights in all the rooms, except the parlor, but declared that when he entered the Agee bedroom, the first man to enter that part of the house, he saw Agee's nickel-plated watch suspended from its chain, screaming for help and crying that her husband was being killed.

On the floor near the bed he saw an opened gold bracelet which he declared to be the same or practically identical with that found outside the house a short time later. Agee's watch, the bracelet and a carving set were later found by detectives outside the house, under the dining room window.

From Mrs. Agee's side of the bed, Jewell declared, he picked up a pillow without noticing what condition its surface was in. Suddenly he realized that he had best leave the scene unmolested and he carefully replaced the pillow.

That action, the defense will contend, makes it impossible to put any weight upon the state's contention that the pillow had not been used, inasmuch as since the hour of its possible use it had been disturbed.

Jewell apparently scored a strong point for the defense when he announced that as he went through the house toward the bedroom in which Agee's throat had been slashed as he slept, he turned on the lights in the dining room, the kitchen and the bedroom. Much evidential play has been put upon the fact that lights in the house were burning when aid arrived.

"In view of these facts and upon further consideration of the record, we are of opinion and find:

"That the interstate class rates between Portland and Vancouver, on the one hand, and points within the state of Washington, in the Columbia river basin south of the Snake river, as defined in the original report, on the other, and made a part hereof."

"That the relation existing between such rates and the corresponding rates on like traffic for intrastate application between Seattle, Tacoma, South Bend, Hoquiam and Aberdeen, Wash., on the one hand and such points on the Columbia river basin south of the Snake river on the other results and will result in undue prejudice to Portland and Vancouver and in undue preference of the other ports named; and

"That such undue prejudice and should be removed by increasing the rates for interstate application mentioned in Clause B so that they shall not be less than 10 per cent in excess of the corresponding rates mentioned in clause A contemporaneously maintained on like traffic."

"We further find upon consideration of the record that the relationship existing at the date of our original report between the class and commodity rates between points in the Columbia river basin south of the Snake river and Portland and Vancouver on the one hand and the corresponding rates, between said points and Spokane, Wash., on the other hand, was not prejudicial or unduly preferential or otherwise unlawful."

"In order to prevent confusion and to insure the execution of these findings an appropriate order will be entered."

It is ordered that the above named defendants, except James C. Davis, director general of railroads, as agent according as they participate in the transportation, be, and they are hereby notified and required to cease and desist from practicing the undue prejudice in said supplemental report to exist against Portland, Oregon, and Vancouver, Washington, in the relation of (A) class rates for interstate application between the said Portland and Vancouver, on the one hand, and points in Washington, in the Columbia river basin, south of the Snake river, on the other, as described in said report, and (B) corresponding rates for intrastate application between Seattle, Tacoma, South Bend, Hoquiam and Aberdeen, on the one hand, and said points in the Columbia river basin, south of the Snake river, on the other, which shall not be less than 10 per cent in excess of the corresponding interstate rates contemporaneously maintained by them on like traffic between said Portland and Vancouver, on the one hand, and said points in the Columbia river basin, south of the Snake river, on the other.

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"Rates according with the above findings and recommendation and applying both interstate and intrastate within Oregon and Washington were filed by defendant carriers to become effective interstate and intrastate within the state of Oregon. By order of the department of public works of Washington, however, the rates for intrastate application within the state of Washington were suspended for a period of 90 days beginning July 1, 1921."

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the house were burning when he first came down the street.

Defense counsel charged, that the watch and other articles found outside were "planted" there by someone intent upon casting the shadow of guilt upon Mrs. Agee and that these articles had been in the room when Mrs. Agee left it to rush, terror-stricken, to spread the alarm of crime.

Mrs. Bertha Gagne, a practical nurse, was the second witness for the state after the resumption of the trial this morning. Mrs. Gagne scored for the defense on several points, but cast more doubt upon the much impressed subject of the lights within the Agee home.

Mrs. Agee was greatly wrought up when Mrs. Gagne arrived and found Mrs. R. E. Green attempting to console her, the witness said. Mrs. Gagne insisted that she be allowed to go to her mortally wounded husband on the porch of the home, but Mrs. Gagne advised against it and after herself going to Agee returned and refused to permit Mrs. Agee to see her husband.

BLOOD STAIN THEORY
Thereupon Mrs. Agee was accompanied to the kitchen of the little home by Mrs. Green and Mrs. Gagne went to the front of the house to assist in ministering to the victim.

The witness declared that she saw lights in the Agee home when she arrived at the scene immediately after she heard Mrs. Agee's screams. But she saw no men about the place, she said. However, she does not know if Mr. Miller, who was in the house or not. After she left Mrs. Agee and went to the porch, then returning to the sobbing wife's side, she did see men about the house, she said.

U. S. Will Open
Land to Soldiers

Lincoln, July 28.—(I. N. S.)—Nineteen thousand acres of government land will be thrown open to soldiers of the World War from September 9 to 16, it was announced here today. The land is in the North Platte and Shoshone irrigation project in Wyoming.

COLUMBIA RATE
CASE AFFIRMED

(Continued From Page One)

basin and certain seaports in Washington, namely, Seattle and Tacoma on Puget Sound and in some instances Everett, Bellingham and Olympia on Puget Sound; South Bend on Willapa bay and Hoquiam and Aberdeen on Grays harbor and between said Columbia River basin and Astoria Or., whether interstate or intrastate, were unduly preferential of such seaports in Washington and of Astoria. The states of Oregon, Washington and Idaho were represented at the hearing by their public service commissions."

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maintained by them for interstate application on like traffic from said points in the Columbia river basin south of the Snake river to said Portland and Vancouver.

"And it is further ordered that this order shall become effective on or before September 28, 1921, and that said defendants, except James C. Davis, director general of railroads, as agent, comply therewith upon not less than five days' notice to this commission and to the general public by filing and posting tariffs in the manner prescribed in section 6 of interstate commerce act and that this order shall remain in force until the further order of the commission in the premises."

"By the Commission,
"GEORGE B. MCINTY, Secretary."

OBSTRUCTIONISTS FURNISHED
COMMENTS J. H. LOTHROP
"Perhaps the interstate commerce commission proposes to punish the Washington obstructionists a little," suggests John H. Lothrop, manager of the Portland Traffic and Transportation association, in response to the statement from Washington, D. C., that the differential in favor of Portland and Vancouver and against Puget Sound and Astoria had been increased from 10 to 11 per cent.

"The last effective date allowed the railroads to apply the order of the federal commission coincides with the date indicated by the Washington board of public works. The board suspended the commission's order for intrastate application for a period of 90 days and stated that hearings would be held covering the reasonableness of the order. The 90 days expires September 28."

It has also been suggested that the effective date of the commission's mandatory order and the expiration date of the suspension order promulgated by the Washington department of public works constitute merely a coincidence. That what the commerce commission has allowed is merely, the conventional 90 days for service and 30 days additional for the equally conventional period in which to begin proceedings of resistance.

"I think there is no further step which the Puget Sound interests and the Wash-

ington board of public works can take," said W. C. McCulloch of counsel for the Portland Traffic and Transportation association and the Chamber of Commerce in the rate contest.

"I am confident that the rate will now become effective in accordance with the full purposes of the interstate commerce commission. The Washington board of public works might carry its case to one of the subordinate federal courts and the matter could thence be carried by appeal to the supreme court of the United States. But I do not believe a restraining order could be obtained to prevent the full application of the commission's decision. I am equally confident that the commission would be found well within the law and that no amount of litigation could disturb its order."

Constable Ed Glose was cheated this morning in his attempt to sell the office fixtures of the Pacific Agency in the Swetland building, when the United States marshal seized the property on a subpoena issued by the federal court. The subpoena was issued after three creditors filed an involuntary petition against the firm Thursday afternoon.

The constable was to have sold the furniture at 11 o'clock this morning. The petitioning creditors are Art Daly, who alleges the agency owes him a \$1500 note and \$766 for labor; William Scottion, who has an open account of \$1300 and is due salary totaling \$550 and Leonora Richardson for salary \$350. The constable was going to sell the property for the benefit of the Associated Creditors' Adjustment company, who recently secured a judgment against the agency in the district court for \$100.25 and costs. The petitioning creditors also make objection in their petition to the adjustment company being made a preferred creditor.

George F. Gibbs, farmer, residing near Oregon City, filed a voluntary petition in bankruptcy this morning. His schedules show he owns Portland, Oregon City and Gladstone merchants \$7921.49. He claims exemption for all his assets which total \$5945.

The Miller-Woodruff Lumber company, Columbia county operators, filed their schedules this morning showing their assets to be more than their liabilities. They give their assets at \$11,055 and liabilities at \$12,481.55. An involuntary petition was filed against the firm on June 3.

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