URISDICTION IN CHEMAWA MURDER

John H. Carson of Salem, district attorney for Marion county, arrived in Portland this afternoon to hold a conference with United States Attorney Lester W. Humphreys, when it will be decided whether the state of Oregon or the government will prosecute Mrs. Alma Wurtzbarger for killing her husband last Sanday morning on the Chemawa Indian school grounds,

Considerable interest has been aroused among local attorneys and varying opinions have been expressed as to which court has the right to hear the case. Some attorneys believe that as the crime was committed on federal property that Mrs. Wurtzbarger will have to be tried federal court, while others believe that in this case Mrs. Wurtzbarger is answerable to the state courts only, as only white persons were involved.

STATE JURISDICTION CLAIMED

Amistant United States Attorney John Veatch, who investigated the case Tuesday and talked over the long distance telephone to Carson this morning. expressed the opinion that the case properly belongs in the state courts.

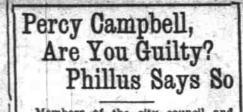
"There are two kinds of federal property," Veatch explained. "Property such as Indian reservations comes in one class and property such as forts, barracks, etc., go in another. Any crime committed on the later always goes to the federal court, but in the first class it does not necessarily come to the federal court if no wards of the government are involved. I have failed to find any act of congress whereby the Chemawa grounds were taken over by the government, so I believe that Chemawa occuples the same position as any of the regular Indian reservations. If this is he case, then the state authorities have power to prosecute."

GOVERNMENT BUYS LAND

Reports from Salem state that the land was sold to the government by the state in 1885. Before Carson announced he was coming to the city the United States district attorney's office said they were willing to allow the state to prosecute. W. P. Campbell of Portland, formerly assistant superintendent of the Chemawa reservation, expressed the opinion this afternoon that the case properly belongs in the federal court. His understanding of the law is that it is "not a matter of persons, but a matter of place." Campbell believes that the case belongs in the United States court, regardless of who was involved. Campbell spent 30 years in the Indian service before retiring. He said that the government acquired the Chemawa land through a special act of the Oregon legislature, and that he understands it has the same classification as other Indian

reservations. DENTIST TO BE (Continued From Page One)

14 to prepare its case," he said. 'It says it needs to get witnesses from Canada, but so do I, and I can be ready to go to trial in two weeks. It seems



Members of the city council and spectators at today's session got a lot of amusement out of the reading of a letter signed by "Phillus Phull," 452 Tenth street, relating the

agonies inflicted on various and sundry persons, and the writer in particular, by the saxophone playing of one Percy Campbell. After detailing the afflictions, the writer says have been suffered by the player's insistent use of "that instrument of the devil, the saxophone, it is suggested that the city take the old "castle," fit it up into small sound-proof rooms and rent it out at

nominal cost to musicians for their practice hours. The communication was filed.

ers petulantly in much the same manner which has characterized him whenever questioners have touched too persistently on the things he "can't remember." Fireworks impended for a momen when one of the attorneys for the defense observed that Joseph L. Hammersly, assistant district attorney of

Multnomah county, had been imported to take charge of the prosecution "That's a lie," retorted District Attorney Neuner promptly. DOESN'T LIKE EPITHET

The defense attorney said he didn't like being called a liar in open court. and Judge Bingham administered a reproof to Neuner. Hammersly was actually retained to assist Mr. Neuner in the prosecution. The district attorney rested his argunent against a change of venue on the contention that, such feeling as exists n the Brumfield case, is directed against

the crime rather than the alleged perpetrator. The people of Douglas county demand only fair play," he said. "I have examined all the newspaper clippings, and have found nothing to indicate a crystallization of sentiment against the defendant. The only prefudice is against the atrocious crime with which he is

charged." STARMER DENIES STATEMENT

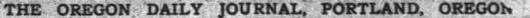
Sheriff Starmer's statement that he had removed Brumfield from his "state suite" on the second floor of the jail to the regular cellroom through fear that he would be made the target of hostile bullets was again brought into question. The observation was cited by the deense as evidence that the feeling against the dentist is strong. The state countered with an affidavit from Starmer enying the remark. Judge Bingham ruled that the defense

failed to' prove its claim that the newspapers had influenced public opinion in Douglas county to the point where it would be impossible for Brumfield to receive a fair trial.

Airplane Patrol of National Forests to

Airplane patrol of the national for- Portland, unless merchants who claim TRED OCTOBER 5 Airplane patrol of the national for-ests of Oregon and Washington will be discontinued Santambar 10 according to pay the costs. It would cost discontinued September 10, acourding to

> service. The patrol has maintained bases at money. here and promised to pay back the other peasants. Portland, Eugene and Medford in Ore-



with merchants and bills due automo bile supply houses. Tom N. Nickles, residing at the Hote Rector, also filed a voluntary petition in bankruptcy, giving his liabilities as \$597.55, with no assets. The petition states he is unemployed.

> FOUR CHINAMEN ARRESTED IN TONG WAR RELEASED ON BOND

Four Chinamen who are under indictnent on charges of murder in the first legree and assault with intent to kill. connection with the Hop Sing-Suey

Sing war in Portland were released from Jerrod Peabody, son of C. E. Peathe county jail Tuesday afternoon on body, president of the Puget Sound order of Presiding Circuit Judge Mor-Navigation company and director of the row on \$2000 ball each.

federal reserve bank of Seattle, who was but they planned it, according to the arrested last week on a charge of forg- indictment, and are guilty as accomery, was discharged today by Acting plices. They are Lee Fong, merchant; Yuen Tun, hop grower; Moy Haun, in-Presiding Judge Morrow upon request terpreter, and Woo Don, laborer. of Gus Kuhn of the Lion Clothing com-

LOADOMETER BORROWED pany, where the check had been cashed.

B. F. Fowler of the bureau of public Peabody was taken into custody last works, has been put in charge of the opweek following the cashing of a check eration of a loadometer, borrowed by for \$198 at the Lion Clothing store. It Commissioner Barbur from the state was charged that the young man had highway department. It will be used to picked up a check made out to A. L. test loaded trucks using Portland's paved streets, to determine whether there Carpenter and that he had forged an are excessive loads that would injure the indorsement and exchanged the check pavements. at the clothing store where he purchased

\$10,000 LIBEL ASKED

FARM TO GET CREDIT

CLIFF SENTZ ON TRIAL

Judge Duffy today on a statutory

DIVORCE MILL

(Continued From Page One)

Statements of the value of produce sold

Kuhn informed John Driscoll, deputy Catherine Benfer asks \$10,000 damdistrict attorney, that the amount inages from F. Blank for libel, in a suit volved had been settled by a Seattle filed in circuit court today. She claims newspaper man and that he preferred that in police court, August 24. Blank not to prosecute Peabody. said, "You're a thief," and that he told Although the Peabody family is re-Judge Rossman she had stolen articles

puted to be wealthy this scion of the Seattle family has long had the roving from him. spirit and has been making his own way in the world. Since his arrest his brothers have been making an effort to obtain by the county farm shall be taken into a settlement

DAMAGES FOR EXPOSURE TO CONTAGIOUS DISEASE ASKED

suit and a hat.

PEABODY FREED:

FORGERY CHAKG

board of county commissioners. The first damage suit ever filed in Portland because one person exposed another to a contagious disease was on Cliff Sentz went on trial before Circuit the records in the district court late

Tuesday. Carl Clemons alleges that Mrs. Cary charge involving a girl under the age Corcoran, landlady of the boarding house of 16.

at 508 Davis street, was responsible for his wife's contracting small pox when she was in a delicate condition. A

month ago Mrs. Corcoran was quarantined on order of Dr. George Parrish, city health officer. She pulled down the against Jesse Hardwick. sign and took Mr. and Mrs. Clemons as

boarders, it is alleged. Mrs. Clemons RUSSIA LIKE MAN ON contracted the disease. Mrs. Corcoran was taken before the olice judge and sentenced to 12 days in jail, inasmuch as she would not remain in seclusion in her own home during the time when she was a carrier of germs. The \$60 asked in the complaint is only to cover the doctor bill, according to Ted

Lansing, attorney for the plaintiff. Dr Parrish will be the principal witness. ACCUSED WOMAN ESCAPES;

most of these went out of existence. JUDGE WON'T SIGN PAPERS Russian newspapers are not very in-Complainants who ask the return of teresting to look at or exciting to read

orgers and bad check passers from other There isn't a single advertisement and states only to dismiss the charges when there are always statements from the the culprits are brought back and make various government departments and pogood the checks, were denounced Tues- litical speeches and political arguments. day afternoon by Presiding Circuit In the provinces there are no daily Judge Morrow. papers. Local papers are printed when

The judge refused to sign extradition ever there is enough material. Decrees Cease September 10 The judge refused to sign extradition ever there is enough material. Decrees are posted on the walls and Moscow parts of the return of Bessie Hayden. pers are sent to the main cities and vilheld in Boise, Idaho, on charges of ob-

taining money under false pretenses in lages. In 1917 most of the soldiers could not money to pay the costs. It would cost an announcement made this morning by and hold her, the judge said, and just it is no uncommon sight to see one sol-

division of the United States forest dismiss the charges after she arrived diers or to see one peasant reading to H. W. Stone will preside.

District Attorney Evans wired orders the government printing plants. Gorki as charge of the whole department. He

had wonderful plans and really did print

thousands of classics which were to be

distributed to every household but, natu-

rally, the paper shortage prevented the

Both Lunarcharsky and Gorki encour-

age the work of new authors, but the

soviet scheme in this respect does not

work out very well. An author is an

artist with an artist's temperament, and

he feels a dwarfing of his individuality

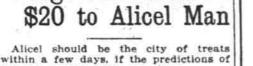
Salem, Sept. 7 .- Crook county, through its vote of 4 to 1 in favor of the county unit system of rural school administra-tion, is pioneering the way to an ad-vancement of the country schools in Ore-gon, according to J. A. Churchill, state superintendent of schools, who was appraised by telegram Tuesday night of the result of the vote in the Eastern Ore-

> gon county. Under the new system Churchill ex-plains the system of school administration which now obtains in districts of the first class will be extended to the rural schools with the county as the unit. Five school directors will be elected from the county at large, who will have complete control over the affairs of all the rural schools within the county. School dis-tricts of the first and second class are

exempted from this unit but no such districts exist in Crook county. These five directors will elect a rural school superintendent, who will have supervision over all schools within the unit. The county school superintendent is abolished under the new system. Funds for the administration of the unit system will be raised by a blanket tax and will be spent at the discretion of the county board. The present system of school boards

for each school district will be retained only in an advisory capacity. The new system, according to Churchill, means the strengthening of the rural school system in those counties adopting the county unit plan.

\$25 Fine Too Much; consideration in figuring out the cost per day of the "keep" of inmates, ac-cording to an order passed today by the Judge Bean Remits



federal court bailiffs come true. Federal Judge R. S. Bean this morn-

Suits filed: Ethel J. against Leo E. ing ordered the clerk to return to Russel E. Fulp, Alicel resident, \$20, which Fulp Kihm, Erma against Frank M. McCord, Alphi against Tony Misetich and Belle had already surrendered to pay a fine The bailiffs reasoned that when Fulp "found" the \$20, which he had "already kissed good-bye," the boys around Alicel would benefit.

Fulp was charged with violating the federal game laws by shipping a beaver hide out of the state to get it tanned. He pleaded ignorance of the law, but filed a formal written plea of guilty and enclosed a postoffice money order for \$25, stating that if the fine was more

he would forward the balance. "I think that is too much for an offense of this nature, which wasn't wil-ful," said the court. "Let the defendant as the interventionists were defeated

pay a fine of \$5 and let the clerk return the balance." Assistant United States Attorney Austin F. Flegel Jr. prosecuted.

Similar fines were also imposed Frank Larson and Clyde Lleser for not carrying fire extinguishers on their me tor boats. Both pleaded guilty.

CLUB SPEAKERS NAMED

Rev. Herman H. Hulten will be the speaker before the Progressive Business Men's club, Thursday noon at the Ben-

read, but there were schools back of son hotel, his subject, "The Psychology the lines and hundreds of adults' schools of Discouragement." Harvey Smith Mc-\$200 to bring the woman to Portland so that the majority can read today, but Cowan, author and lecturer, will recite "The Trail a Boy Travels" and "Flames Shirley Buck, head of the operations as likely as not the merchants would dier reading to a crowd of other sol- of Glory." Arthur Johnson will sing.

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MANY SHUT OUT



While one pair is being worn the other can be pressed for a fresh appearancethus the life of a suit is prolonged, as the trousers are always the first to show wear.

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to me that is long enough.' Brumfield's lawyers, however, held out for 30 days and Judge Bingham finally set October 5.

Brumfield walked out of court with a light step and was whistling carelessly a few minuter after the jail door clanged behind him.

PAPER REPORTS USED.

Newspaper reports of the case were used chiefly by the attorneys for the defense in their effort to prove that Brumfield could not receive a fair trial in the city which witnessed his downfall. A majority of the prejudicial articles cited were from newspapers in the vicinity. Two of the stories cited were from

The Journal. One of them, a light feature yarn on Harry Pearce's combination public forum and harness shop, the attorney for the defense read in full. Judge Bingham smiled several times during the reading, and had to rap repeatedly for order to keep the laughter of the courtroom in check. The other was The Journal's review of the case The accuracy of neither story was contested.

NEUNER STIRS BRUMFIELD

Brumfield was in court throughout the exchange of arguments, and listened with a bored look except once or twice when District Attorney George Neuner emphasized some point by glaring in his direction. Then he shrugged his should- office,

gon and at Camp Lewis in Washington. to release the woman after Judge Daily flights were made during the row refused to send for her. fire season, with the exception of the time of the gasoline shortage in August, ISOLATION WARD MUST KEEP

to locate fires. The record of the pa-SOME BEDS FOR EMERGENCY trol, which was in its third year, was The refusal of Dr. George Parrish, city very good, according to service officials, health officer, to accept patients from the Boys' and Girls' Aid society at the as the efficiency of the observers had

reached a point higher than at any other Isolation hospital at Kelly Butte was explained in a letter from Mayor Baker, The planes, operated by the army, read before the county commission towill be sent back to Mather field, near Parrish says there are only 60 day. Sacramento, as soon as the bases are beds in the hospital. A few of these must. From forecasts it is bebe kept vacant for an emergency, he lieved that this year will be the last of states, and the others are kept filled with the air patrol, as congress failed to appatients from rooming houses. The baby propriate funds for such operation next homes and the aid societies are able to

provide isolation wards in their own es- In spite of the fact that around the fortablishments, he says, whereas persons H. A. Hinshaw Leaves with contagious diseases in rooming houses must be removed at once or the disease will spread.

H. A. Hinshaw, who was recently ap-pointed assistant freight traffic manager of the Southern Pacific system in

season

broken up.

First Long-Trousers Suits

Young Men's College Suits

High-School Suits

PETITION IN BANKRUPTCY R. W. Logan, physician and surgeon of the O-W. R. & N. company at La Grande, petitioned the federal judges charge of the northern district, will leave this evening for San Francisco to as- this morning to declare him a banksume charge of his new post. J. H. Mul- rupt. In his petition he gives his liabilities as \$7336, and claims exemption chay, who has been appointed general freight agent in charge of the Southern Pacific Oregon lines, will arrive later for his family of all his assets, which total \$725. The debts include money

being entirely out of touch.

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and and the first and the second s

this week to take charge of the local borrowed from business houses and individuals, notes, attorney's fees, accounts

Tonight for New Job disease will spread. DR. R. W. LOGAN FILES