

RULES APPEALS MUST BE TRIED UNDER CIVIL LAW

An appeal from the municipal court to the circuit court for a violation of a city ordinance shall be tried under civil law instead of criminal law. Circuit Judge Tazwell decided in a revolutionary ruling handed down late Thursday.

In accordance with opinions of the supreme court, Judge Tazwell explained this morning, "I have held that violation of a city ordinance is not legally speaking, a crime."

The gist of the matter is that nine persons on a jury of 12 can convict or free a person who is being tried on a city charge. A criminal case requires a unanimous verdict of the jury. A civil case requires a verdict signed by nine or more.

The opinion was handed down at the end of the trial of Tony Yalch and Louis Zarkovitch, who were charged with maintaining a nuisance at No. 58 North Third street. The two men had a soft-drink shop and 18 pints of hard liquor were found in the basement. They were fined \$100 each in the municipal court September 22, and Ted Lansing, their attorney, immediately appealed to the circuit court.

The judge, after arguments by Lansing and Deputy City Attorney Stadler, made his ruling and after an hour's deliberation the jury returned with a verdict of not guilty signed by 10 of the jurors. Ownership of the booze was not established, the jury held.

DUNCAN ALLEGES PREJUDICE

In arguing for a change of venue, so that the criminal libel case against him, set for hearing October 16, might be tried somewhere else than in Mult-

Father Overpaid U. S.; Son Repaid After 40 Years

Salem, Oct. 12.—Because the United States government has a conscience, Will T. Kirk, member of the industrial accident commission, is richer by \$20.

Forty years ago Kirk's father, William A. Kirk, filed on a homestead in Morrow county. The father died in 1902. About a year and a half ago Mrs. Kirk received a letter from a Washington, D. C., attorney, informing her that in paying out on this homestead Mr. Kirk had been overcharged and that he was ready to proceed to secure a refund, which he was instructed to do.

Kirk, the accident commissioner, has just received a check for \$20 as his share of this overpayment.

Multnomah county, Robert G. Duncan alleges local prejudice against him. Ex-Postmaster Myers, chief owner of the "Producers' Call," signs an affidavit that there is prejudice against Duncan. The motion for change of venue filed in the circuit court Wednesday and will be argued before President Circuit Judge Stapleton Friday.

Duncan was indicted by the Multnomah county grand jury for printing in the "Producers' Call" an alleged libelous article about a St. Louis, Mo., baker.

William Barnes' Wife Gets Divorce

Albany, N. Y., Oct. 12.—(U. P.)—Supreme Court Justice Staley here today granted an interlocutory decree of divorce to Mrs. Grace Davis Barnes, wife of the well known Republican leader, William Barnes. Mrs. Barnes charged misconduct with a person unknown to her. Barnes made no defense to the action.

BOARD DIVIDED ON MATTER OF EX-NUN'S TALK

With one member out of the city, the school board is deadlocked on the question as to whether James John high school shall be used by "Sister" Lucetta, an ex-nun, Sunday, for the purpose of giving lectures in favor of the compulsory education bill and attacking the Catholic religion and institutions. Clerk Robert Fulton is strongly in favor of using the building for this purpose and Superintendent D. A. Groat is somewhat hesitant, but is inclined to side with the clerk.

The committee having to do with the rental of school auditoriums is composed of Chairman Frank Shull, Superintendent Groat and Clerk Fulton. In the vote on the use of the building by Sister Lucetta, the board chairman was overruled by the two board members, who hesitating, however, to take the responsibility upon their own shoulders, suggested taking the vote of the board.

This resulted in Directors Shull, Eisman and Woodward opposing the use of a school building for any subject of such a character, and three other directors, Thomas, Clark and Martin, favoring it. Director Pickering, the seventh member, is out of the city.

The Catholic Civic Rights association of Multnomah county has protested against the lecture, stating that "school buildings should not be used for insulting and slandering a large body of people who, as taxpayers, have in a large measure helped to build and support these public institutions."

CHINESE DEDICATE QUARTERS

Closer cooperation between Chinese citizens and Americans was discussed at the dedication of the new quarters of the local chapter of the Chinese-

Man Under Life Sentence Fears Hangman's Rope

Nick Doltes, convicted Thursday of murder in the first degree for the killing of George Grammatini at the Everett hotel, where Doltes was found with Mrs. Grammatini, got the impression last night that he was to be hanged and would not believe fellow prisoners or jailors who told him the jury had recommended leniency and that this automatically reduced his sentence to life imprisonment.

Doltes did not sleep a minute during the night, it is said. It was only this morning after Tom Garland, his attorney, had been called in to pacify him, that he regained partial control of himself.

Jailors were fearful for several hours that he would attempt to take his own life, as he was undergoing all the agony of a man sentenced to hang and he lacked the iron nerve of most men who get into his fix. He is a Greek and cannot understand English very well. He believed those who told him he had escaped with a life sentence were simply trying to make it easy for him.

Accident Results in Man's Undressing

Indianapolis, Ind., Oct. 12.—(I. N. S.)—Just one inch too much of collar of an overall "lumper" and the hoodoo of Friday the thirteenth proved the undoing of George, a workman in a local machine shop, attempted to fix a piece of machinery when his collar became caught in the shaft. Before help arrived George was a modern Adam, but otherwise unharmed.

STREET CARNIVAL BLOCKS TRAFFIC

Couch street at 11th, where it is an important traffic artery, and Davis street, except for the width of one vehicle, are blocked by a traveling carnival company whose concessions occupy all the sidewalk space on both sides of 11th street between Couch and Davis and, at the same time, a large part of the playground of the Atkinson school.

This carnival company, operating on a percentage basis for the benefit of a fraternal order, is a collection of games of chance, animal and dancing girl shows and various "rides." A merry-go-round has been erected entirely across Couch street at 11th and in a similar fashion another riding device takes up all but a narrow bit of street and runs over a sidewalk onto the school grounds.

On 11th street, the tents occupy the sidewalk directly between the Armory and across the street the sidewalk as well as the school playground to a large extent have been taken over by the several features.

City ordinance No. 4178, passed by unanimous vote of the city council, September 27, gave permission to the Modern Woodmen of America to hold their carnival in the estimated portions of Couch, Davis and 11th streets from October 10 to 14, inclusive, under conditions covering sanitation and damage. The order paid \$100 for the license granted and the ordinance and posted a bond of \$100 to insure the city against damage to the sidewalks or streets.

In spite of the fact that this license, under which the carnival company not only completely blocks streets and sidewalks, but uses school playground space, was granted by the council, city commissioners have declared against street carnivals and they have decided that beginning with 1923 there will be no more permits to such companies.

Permits were not at all denied, it is said, because various carnival dates had already been prepared. The ordinance is said to have been prepared, however, and it may be submitted for the consideration of the council within a short time.

BUDGET HAS BUT 2 PAVING PROJECTS

Only two paving projects of more than a few feet are included in the county budget for 1923. It developed today at the hearing on the budget submitted by the county commissioners to the tax supervising and conservation commission sitting in the courthouse. These are the paving of the Boones Ferry and Taylors Ferry roads south of Portland, between Riverside drive and the Capitol highway.

"Much paving is needed," County Commissioner Holman explained, "but because of high taxes the commissioners thought it wise to cut out every item except those absolutely necessary. Boones Ferry road is the oldest entrance to Portland and is the outlet for a rich district. Chicago's county and its bond issues will pave its part of the road. Taylors Ferry road goes, among other places, to the Jewish cemetery, and it isn't exactly just to have hearses bumping over a rough road. We took over a mile of city street and paved it as a county road in order to give a respectable entrance to Riverview cemetery."

The road budget will run something over \$560,000, though the total remained indefinite today. Most of this will be for upkeep and for grading and graveling.

An item for about \$170,000 is included for the Mount Hood loop road, though the tax body did not get down that far in the budget today. It will be taken up later.

This afternoon the commission visited the county hospital, and intended, if time allowed to go over the Boones Ferry and Taylors Ferry roads.

Hearing in Proposed Road Consolidation Fixed for Nov. 30

Washington, Oct. 12.—(U. P.)—The interstate commerce commission today announced that hearings on the question of consolidation of the railroad properties of the United States into a limited number of systems will be resumed here on November 17 when Commissioner Hall and Examiner Barclay will receive evidence on the proposed consolidation of railroad lines in the Northwest into two systems, to be known as the "Burlington Northern Pacific" and the "Milwaukee Great Northern."

Carriers involved in the Burlington Northern Pacific are the Chicago, Burlington & Quincy, the Northern Pacific, Chicago Great Western, Minneapolis & St. Louis and the Spokane, Portland & Seattle.

Lines entering into the Milwaukee Great Northern combination, are the Chicago, Milwaukee & St. Paul, Great Northern, Chicago, Terre Haute & Southeastern, Duluth & Iron Range, Duluth, Missabe & Northern, Green Bay & Western, and the Butte, Anaconda & Pacific.

Similar hearings will be held later in the West, at which the far western roads will be given an opportunity to submit additional evidence.

The Dalles Gets Next Convention Of State W. C. T. U.

McMinnville, Oct. 12.—The State W. C. T. U. convention here this morning was devoted to a superintendent's conference, officers' report meeting and a thank offering service led by Mrs. Jane Donaldson of Portland, followed by departmental reports from secretaries and superintendents.

The session next October will be held at The Dalles, three separate invitations being received from that city. Officers were chosen as follows: Mrs. Mary Malley, president; Mrs. J. J. McCallister, vice president; Mrs. Iva Colcord, recording secretary; Mrs. Theodore Strommeyer, corresponding secretary; Mrs. J. E. Donaldson, treasurer; Mrs. E. B. Andrews, secretary young people's branch; Mrs. Marion Gilbert, secretary Loyal Temperance Legion; All officers are from McMinnville except Mrs. Andrews, whose home is in Oregon City. Attendance of delegates reached 126.

Grand Jury's Quiz Of Maj. Cronkhite's Death Completed

Tacoma, Oct. 12.—(U. P.)—Following the return of two secret indictments this morning, the federal grand jury which has been in session for more than a month, was discharged by Judge E. E. Cushman.

The jury has been conducting a probe of the death of Major Alexander Cronkhite at Camp Lewis in October, 1918, in connection with whose death from a pistol wound Captain Robert Rosenbluth of New York has been mentioned.

Whether or not the indictments returned were in connection with the Cronkhite probe court authorities refused to state.

Bench warrants were issued on each of the indictments. In one case no bail was filed; in the other bail was fixed at \$2000.

LLOYD GEORGE IS TIRED OF OFFICE

London, Oct. 12.—(I. N. S.)—Premier Lloyd George, who has held the tiller of the British ship of state for virtually six years, today conferred with King George upon political matters. Belief is growing that the premier will tender his resignation to the king very soon and that he will announce a general election before the end of this year.

Sir Robert Horne, chancellor of the exchequer and head of the British debt refunding commission to the United States, conferred with King George last night, leading to a report that he may be the next premier.

It is known that Mr. Lloyd George wishes to retire from public life—for a time, at least. His health has suffered from the tremendous strain he has been under since he took his present office, and he wishes to take a year or more to rest up. During his vacation he probably will visit the United States.

The premier will hold a number of political conferences tomorrow, also making a speech at Manchester.

BRITAIN NEAR REVOLUTION, AUSTEN CHAMBERLAIN SAYS

Birmingham, England, Oct. 12.—(I. N. S.)—Austen Chamberlain, leader of the Tory party and government spokesman in the house of commons, in a sensational political speech here today, declared that "revolution has been close to England's doors."

Chamberlain added: "These are times when parties must

Faith is still moving mountains! Read O. O. McIntyre's Love Story of The Wickedest Street in America, in NOVEMBER Cosmopolitan at newsstands

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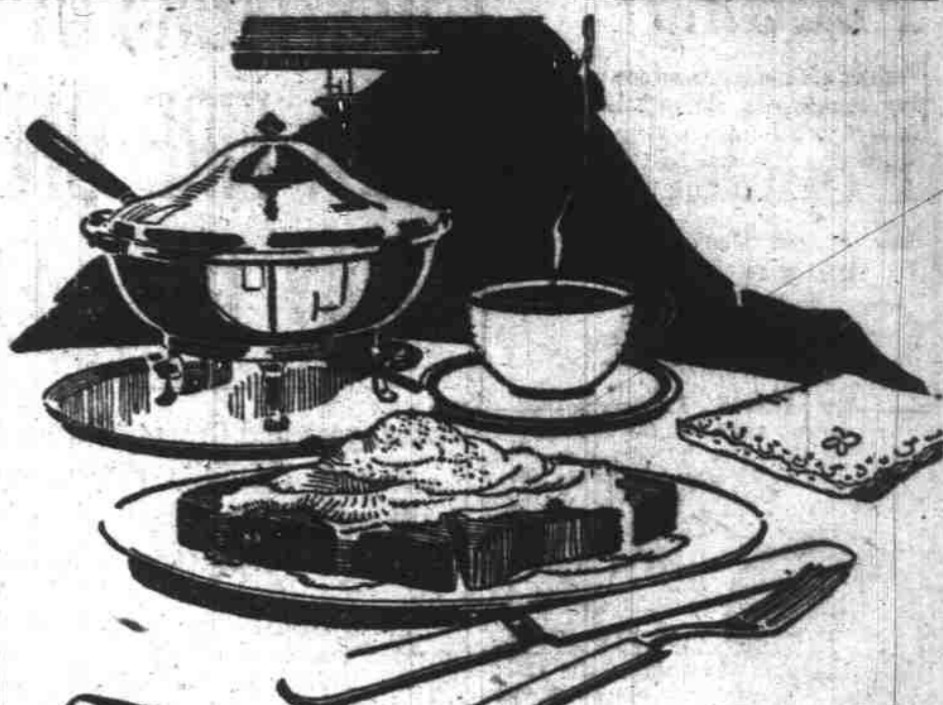
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Predicts End of Shopmen's Strike

Vancouver, Wash., Oct. 12.—James Taylor of St. Paul, Minn., vice president of the international machinists union, expressed the belief that the railroad shop crafts strike would be settled in a few days. Taylor addressed an audience of laborers and businessmen in the Labor temple Wednesday night. "Strikers are in good spirits from St. Paul to the Pacific Coast," he said.

W. H. KIRKHAM

Prineville, Oct. 12.—W. H. Kirkham, pioneer and oldest man in the county, died at his home near Prineville Wednesday. He was a Civil War veteran and an honorary member of the Spanish War Veterans of this city.



For that jolly 11 o'clock bite!

GETTING a bit chilly—a fire goes good in the grate—and something hot to eat. Tillamook rarebit! Just the thing. Rich and creamy, pipin' hot on crisp, brown toast—so-o-o good! You can't imagine till you've made it with this new recipe!

Tillamook rarebit
Prepared especially by The Boston Cooking School

1 tablespoonful butter
1/2 pound Tillamook cheese, cut in small pieces
1/2 cup milk
1 egg
1/2 teaspoonful salt

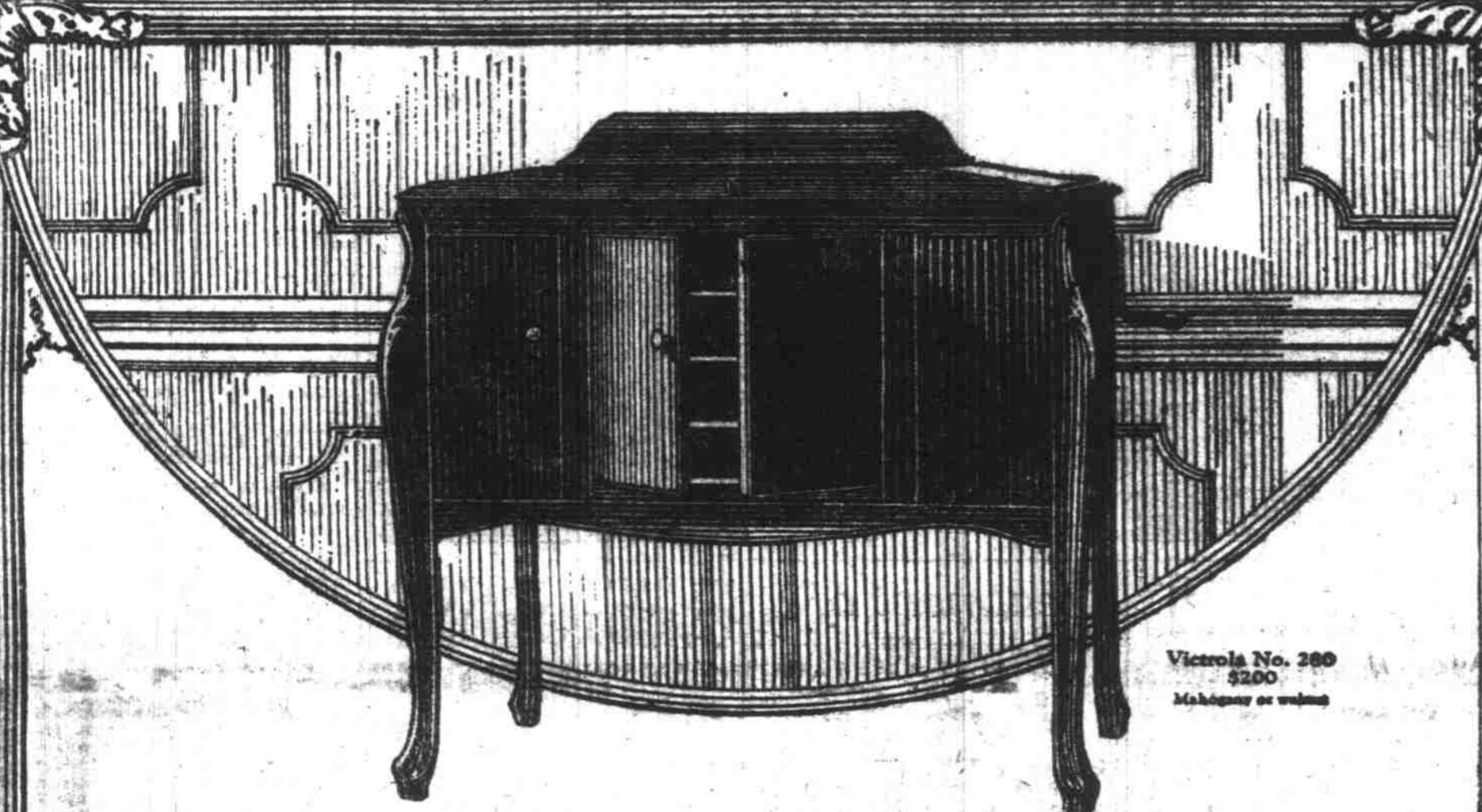
Put butter in the upper part of a double boiler when melted add cheese and seasonings. When cheese is melted, add milk slowly, stirring constantly. Beat the egg, add to it a little of the hot mixture, stir until well blended, then add to the contents of the double boiler. Stir until smooth (about three minutes.)
Caution—be sure to get genuine Tillamook Cheese.

Tillamook is the original trade-marked cheese. Every single pound of cheese made in the famous Tillamook valley has the name imprinted upon the rind. If it's not there, it's not Tillamook.

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Tillamook, Oregon
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New Victor Record Hits Out tomorrow

- All Over Nothing at All (From "Spice of 1922") Aileen Stanley—Billy Murray 18943 10-inch 75c
- I'll Stand Beneath Your Window To-night and Whistle (From "Spice of 1922") Aileen Stanley—Billy Murray 18946 10-inch 75c
- Chicago—Fox Trot Paul Whiteman and His Orchestra 18947 10-inch 75c
- Early in the Morning Blues—Fox Trot The Virginians 18947 10-inch 75c
- Suez—Fox Trot Clyde Doerr and His Orchestra 18947 10-inch 75c
- I Wish I Knew—Fox Trot Clyde Doerr and His Orchestra 18949 10-inch 75c
- I'll Build a Stairway to Paradise—Fox Trot (From George White's "Scandals") Paul Whiteman and His Orchestra 18949 10-inch 75c
- You Remind Me of My Mother—Fox Trot (From "Little Nellie Kelly") Paul Whiteman and His Orchestra 18949 10-inch 75c

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Hart Schaffner & Marx make the right kind—they have really quality in fabrics, tailoring and the best style. Complete satisfaction in every detail.

\$35, \$40 \$45 \$50, \$60

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The home of Hart Schaffner & Marx clothes
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