REBEL TROOPS ARE STORMING CAPITAL

(Continued from page 1.)

have been the scene of considerable fighting.

In an ultimatum, Marshal Pilsudski remands the resignation of Premier Witos and the appointment of non-political heads of the war and foreign ministries together with the withdrawal of all decrees promulgated by the Witos administration.

Up to the present the socialists have declined to join Pilsudski and the government has therefore been able to keep the railways operating with socialist labor union trainmen.

Anticipating sanguinary fighting, citizens have fled or are in hiding. Only hurrying troops are encountered in the streets. Warsaw looks like a deserted city.

The minister of war, Malczewski, is organizing the government defense in the provinces, leaving the protection of the government and the defense of Belvedere to General Czieranowski, the commandant at Warsaw.

Dispatch received by courier from the fontier describes Marshal Pilsudski's march on Warsaw. When he arrived at the city's eastern outskirts he was met by a detachment of government troops under command of an adjutant of war minister Malczewski, and a temporary armistice was agreet to.

In the name of the government Pilsudski was ordered to retreat, his officers being reminded of the penalty of insubordination against the legally established government. Pilsudski demanded the immediate retirement of the Witos government and the establishment of a non-partisan ministry of strong men. Na agrement was reached, and Pilsudski forced an entrance into the city, repulsing the government troops in a series of pitched battles in the neighborhood of the palace and the government buildings.

Pilsudski's cavalry dashed through the main streets in the direction of Belvedere, which however, was successfully defended by the president's guard.

Pilsudski immediately took possession of the various ministries and railway stations and resumed negotiations with representatives of the government. It is reported that General Romer, commander o fthe Lublin army corps has declared against the government. At Lemberg and Cracow, the workmen have demonstrated in favor of former President Pilsudski.

Latest dispatches say that clashes between the opposing sides are becoming more frequent, though neither the government nor the revolutionists appear ready to launch a rigorous attack.

BERLIN, May 13.—(By Associated Press.)—A Warsaw dispatch tells briefly of an attempt at suicide by General Gasinmer, commander of a Posen army corps and former minister of war. The Posen troops were marching on Warsaw to oppose Marshal Pilsdski, having declared for the Witos government. Failing to control his men General Sonsowski in despair drew his revolver and shot himself. He is said to be seriously wounded.

General Casimir Sosnowski was four times minister of war between 1921 and 1924. He was one of Marshal Pilsudski's closest frineds and withdrew from the political arena cabinet with Pilsudski's retirement.

Last year he represented Poland as chief delegate to the league of nations conference on the control of traffic in arms and munitions He presented an amendment to United States representative Theorode E. Burton's proposal to control traffic in poison gas which was designed to limit the traffic bacteria for war purposes.

General Sosnowski refused Poland's adherence to the arms conference so long as Russia was not a party to it.

He said that a disarmed Poland was at the mercy of the Russians.

NEW GOVERNMENT IS SET UP IN CHINESE CAPITAL

(Continued from page 1.)

time being the posts of Premier and foreign minister, although the name of Alfred Sze has been announced as foreign minister. Dr. V. K. Wellington Koo, former minister to Great Britain and the United States, becomes minister of finance, and Yang Wen-Kai, minister of commerce.

The first cabinet meeting was called by the premier late today to issue directions regarding the status and personnel of the new government.

The Yen regime represents a compromise between the political views of Marshals Wu and Chang and it is likely that several shifts will be made later to conform to changing political conditions.

Since the occupation of Peking last month by the allied Manchurian-Shantung forces the military situation in North China has shown little change. There has been little effort by the victorious allies to pursue the retreating national armies beyond Nankow Pass, northwest of Peking.

The National armies are believed to be bodly provisioned and it begins to look like it was part of the allies strategy to starve them out, rather than fight.

A foreigner who has reached Peking from Kalgan, in the northwest, after making a wide detour and walking much of the way, reports that the civilian population in the Kalgan area is on the verge of starvation.

TUXEDO PARK FAVORED BY HIGHLAND AUDIENCE

(Continued from page 1.)

the school board said that in a study of the population south of State streets, it was shown that the Tuxedo Park was an admirable location for a junior high school. Frank Neer, also member of the school board, said the board was just following out the wishes of South Salem.

Dr. H. H. Olinger, president of the school board, said that the board had been trying for two years to find a suitable site for the junior high school to be erected in South Salem, as required by the ballot when funds were voted three years go.

Dr. Olinger also explained that the vote next Wednesday was not for new bonds, but just to determine whether the building should be one on the Lincoln site or Tuxedo Park.

Dr. E. E. Fisher expressed the hope that the North Salem people would get out and support the measure and vote "yes" next Wednesday and allow South Salem to have what it wanted.

W. E. Hansen said that it was only fair to South Salem that the vote should be in favor of buying Tuxedo Park, especially as the cost of the park was included in the original amount voted to be used in South Salem. C. A. Swope also brought up the fact that the election was just a matter of changing the location of the building, and not the voting of new bonds.

Mayor John B. Giesy said there was no argument against the purchase of Tuxedo Park, especially as the city was building fast in that district, and that school boards as well as cities should by open spaces for schools or parks when they could be had. Max O. Buren spoke in opposition of the park.

This evening at 8 o'clock a meeting will be held in the Richmond school to hear the ivews of voters in that part of the city.

TEACHERS ELECTED AT BOARD MEETING

Question of Securing Dean of Girls at Senior High School Up

At the meeting of the Salem school board Tuesday evening the question of having a dean of girls at the senior high school was discussed. Action on the matter was deferred until next meeting.

Three new teachers were elected to the system. Mildred Starrett of Cottage Grove was elected to serve as a grade teacher. Miss Kubin will come from South Dakota to teach in the junior high school. Edith Pierce, graduating from University of Oregon, will also teach in the junior high school.

Signa Paulson, teacher of civics at Parrish junior high school, was advanced to head history, civics, and geography in the junior high schools. She succeeds W. L. Van Loan, wh ois going to study at Stanford university next fall.

A report from Merritt Davis, treasurer of the Salem high school student body, showed that there is now $3154 in the student body fund. Out of this must come the money to pay for the Clarion annual, and finance the baseball and track seasons.

Dr. H. H. Olinger, chairman of the board, signed all the teachers contracts that were on hand. Some of the teachers failed to sign for another year because of the low salaries.

Three teachers received positions in Portland high schools at higher pay. Hazel Browne, English instructor of the local high school, Marjory Minton of McKinley junior high school, and Lillian Schroeder of Parrish junior high will all teach in Portland high schools next fall. Miss Browne is at present in the east, traveling with the local debate team that went to Salem, Mass.

The members of the board discussed the coming election in which the taxpayers will vote on the matter of purchasing Tuxedo Park as the South Salem school site. No action was taken, however.

Wallowa — Two-story cement block to be built on site of present post office.

Astoria—Plans developing for Lutheran Hospital here, to cost $150,000.

Installment Plan Killing Nation's Thrift Is Claim

"If People Spend Money Before They Receive It, They Will Have It All Gone Before Pay Day Comes," Finance Expert Tells Bankers

Installment credit is undermining the thrift of our country," Carl S. Dakan, professor of finance at Washington university, told members of group two of the Oregon Bankers association, who held their annual meeting Tuesday in the local chamber of commerce rooms.

"If people spend their money before they receive it, they will have it all checked out a day or two after they receive their pay. No one thinks of letting money accumulate today

Prof. Dakan declared that 99 per cent of those who buy on the installment plan are not morally responsible for their contracts other than to return the commodities they have bought if they are unable to meet their payments.

As a result of the enormous amount of instalment credit being given, finance companies of many sorts have sprung up throughout the country. There are national companies run on strictly business lines that are as firm as other businesses. There are also any number of smaller companies who "have neither the equipment nor the machinery" to handle the business.

Professor Dakan also expressed the opinion that dealers should not be permitted to carry on a business whereby they turn over in a few months more than the entire amount they are capitalized for.

By this credit system, in which the dealer is relieved of the financing problem, the financial responsibility of the dealer is lowered.

"That type of dealer is a menace to merchants who have practiced thrift and who have experience," he said. "Whenever it gets to the point that a dealer's endorsement is no good, it is mighty good paper to leave alone."

Included in the articles being bought on the instalment plan are autos, radios, washing machines, houses, sewing machines, bcycles, tires, typewriters and about everything else on the market.

"Even barbers' chairs are being bought on the instalment plan by beauty shops, which are springing up almost as rapidly as the finance companies."

He told of one case in Seattle. A coal company had a surplus of coal left because of the mildness of the winter. So it advertised that it would let a man fill his basement with coal and pay in four instalments next fall.

One of the vices of the instalment system is that it tends to get business now that should be had two or three years from now. In other words, it kills off prospective buyers, and the result is bound to be a slump sometime in the future."

Autos especially are subject to radical change of style. These changes are purposely made by manufacturers to force new sales. It is good psychology that a man will change his car in order to be up to date. There is, consequently, a tremendous loss of money in the drop in values of the obsolete models.

BANKERS NAME OFFICERS

JOSEPH ALBERTS NAMED SECRETARY OF GROUP TWO

Officers for the coming year were elected last night by group 2 of the Oregon Bankers' association. The election followed a banquet at the Gray Belle and reports from the special committees.

Eugene Courtney, vice president of the Bank of Woodburn and also of the First National bank of Woodburn, was elected president. Fred E. Callister, cashier of the First National bank of Albany, was elected vice president. Joseph Alberts, cashier of First National bank of this city, was elected secretary, and H. R. Zimmerman of the First National bank of Aurora, was elected treasurer.

In the afternoon meeting talks were given by Bert E. Haney, candidate for the Democratic nomination for United States senator; A. A. Schram of Corvallis; Carlos G. Close of Portland; Olaf A. Houghum of Eugene, and Wm. Earnett of San Francisco.

PROSECUTOR IS TARGET

KLAMATH DISTRICT ATTORNEY'S HOUSE DYNAMITED

KLAMATH FALLS, Ore., May 11—(By Associated Press)—The home here of District Attorney E. L. Elliott, former special state prohibition prosecutor for the Klamath district was partially wrecked late last night when a charge of dynamite exploded on the window sill of the house. The dynamite was placed beneath the window of a room usually occupied by Elliott and his wife, but which was used last night by Jack Elliott, 15 year old son of the family. The boy's only injury was a scratched thumb.

The force of the explosion which ocurred within three feet of the youth's head, shattered the side of the house, demolished the bed and mattress on which he was sleeping. The mirror in a dresser across the room was broken and the wall opposite the window was penetrated by flying fragments of plaster and debris.

Statesman Begins Review Of All County Candidates

Facts, Platforms and Issues as Seen by Men Asking Support of Voters Will Be Summarized in Series Starting Today; Watch Tomorrow's Story

During the next few days, The Statesman will review the platforms presented by candidates for county offices, endeavoring to present only facts concerning the experience of each candidate, and the issues they see in the coming election.

Sam H. Brown

Republican, candidate for nomination for senator, from Marion county.

The following facts are taken from a statement furnished by the commercial club of Gervais, composed of neighbors of the candidate:

"He was born in East Gervais precinct; his entire life has been spent there. His parents were members of that community since 1849. His father served the county as senator. The son, Sam H. Brown, has made a fine record as state senator, serving Marion county in that capacity for a number of years, having been found clean, upstanding and faithful. He is a farmer and a successful farmer. He understands farmers' problems and knows their value to the state. He is considered well equipped for good service."

Lloyd T. Reynolds

Republican, candidate for nomination for senator, from Marion county.

Lloyd T. Reynolds was born in Ohio and came to Oregon with his parents, Dr. and Mrs. John Reynolds, when two years of age. He attended the public schools of Salem, later entering Willamette university, from which he was graduated in 1894. Ever since finishing college he has been farming, giving special attention to fruit growing. He lives on his fruit ranch three miles north of Salem, and in addition to his farming he is interested in several business enterprised in Salem. He has served five sessions as representative in the legislature for Marion county. If nominated and elected, he declares he will endeavor to serve the interests of the people to the best of his ability.

Otto J. Wilson

Republican, candidate for nomination for senator, from Marion county.

Otto J. Wilson was born on a farm east of Salem. He attended the Salem public schools and Willamette university. After finishing school he worked in the Williams England bank for seven years. Then he entered the bicycle business. He brought the first automobile to Salem 24 years ago.

He has been city councilman for three years, served as mayor of the city for two years, was representative from Marion county to the state legislature in 1923 and 1925. The Oregon Voter in 1924 said of him:

"Mr. Wilson has decided views on high taxes an dalso on road administration, views founded upon experience in paying, levying and using. He doesn't obtrude himself, makes no pretentions at oratory, . . . knows how to express himself when necessary and is richly qualified by character, temperment, knoweldge and experience."

Tomorrow, candidates for the house of representative from Marion county will be reviewed.

HUGE RUM CARGO TAKEN

LIQUOR IS VALUED AT MILLION AND HALF DOLLARS

NEW YORK, May 11.—(By Associated Press.)—With a cargo of whiskey, champagne and alcohol valued at $1,420,000 the freighter Donnetta was brought into the harbor tonight by the coast guard cutter Seneca and anchored near the statue of liberty.

The freighter, seized last night 60 miles southeast of Atlantic City flying the American flag, but without ship's papers and with no one aboard with officers' credentials, was said by coast guard officials to come technically under classification of piracy.

When the freighter was anchored in the harbor, seals were placed on its hatches and the crew of 23 men were left aboard for the night under guard. They will be arraigned before a United States commissioner tomorrow.

Commander John Blake of the Seneca said he pulled alongside the Donnetta Monday night and got a "gigantic whiff of alcoholic content which would have staggered a theater crowd."

Precinct Voting Places Listed for This County

Ballot Boxes Will Be Placed in 74 Precincts for May Primaries; 18 Precincts Are Listed for City of Salem; Ballots Already Printed

List of voting places in Marion county were made public Tuesday by U. G. Boyer, county clerk. There are 74 precincts in the county, 18 of which are to be found in Salem. Ballot boxes will be found in each of the places designated below, where votes will be cast in the May primary election on Friday, May 21.

Ballots for the election have been printed and will immediately be forwarded to precinct officials through the proper channels. Complete list of voting places in Marion county announced as follows:

Aumsville, Hein's hall, Aumsville.

Aurora, IOOF hall, Aurora.

Breitenbush, Schoolhouse, District 123.

Brooks, Ramp's hall, Brooks.

Butteville, IOOF hall, Butteville.

Champoeg Jette's store, Champoeg.

Chemawa, MWA hall, one-half mile west of Chemawa.

Croisan, Query's hall, at Roberts.

Donald, Hoskins & Desart hall, Donald.

Elkhorn, schoolhouse, District No. 115.

Englewood, Swegle schoolhouse District 78.

Fairfield, schoolhouse in District 26.

Fairgrounds, Hayesville schoolhouse, Pacific highway.

East Gervais, city hall, Gervais.

West Gervais, Mrs. John Mills' house, Gervais.

Horeb, Winkley's hall in Gates.

North Howell, North Howell Grange hall.

Central Howell, Central Howell schoolhouse.

East Hubbard, city hall, Hubbard.

West Hubbard, First door north of postoffice building.

Jefferson, Masonic hall, Jefferson.

Liberty, Liberty hall.

Macleay, Macleay Grange hall.

Marion, WOW hall, Marion.

McKee, Belle Passi schoolhouse.

Mehama, Champ's hall, Mehama.

Mill City, Hammond Lumber company opera house, Mill City.

Monitor, Lennon's hall, Monitor.

East Mt. Angel, city hall, Mt. Angel.

West Mt. Angel, Mt. Angel hotel.

Fringle, Davidson's house on Pringle road.

Quinaby, Oregon Electric Depot, Quinaby.

Riverview, Riverview schoolhouse.

Rosedale, Rosedale schoolhouse

Salem, 1; portable schoolhouse, Washington school.

Salem, 2; First floor, Bungalow Christian church, 17th and court streets.

Salem, 3; Cameron's Paint shop 21st, between Chemeketa and Center streets.

Salem, 4; Swedish Tabernacle, corner Mill and 15th.

Salem, 5; Richmond school.

Salem, 6; Yew Park school.

Salem, 7; Currey's milk station, 2641 Portland road.

Salem, 8; Jason Lee church, corner Jefferson and Winter.

Salem, 9; Baptist church, corner D and Cottage streets.

Salem, 10; Basement Salem Women's club building, 460 N. Cottage street.

Salem, 11; County court house Salem.

Salem, 12; Vick Bros., 280 S. High street.

Salem, 13; E. Sherwood's residence, 787 Cross street.

Salem, 14; North Commercial service station, 1610 N. Commercial street.

Salem, 15; Hunt Bros. Packing warehouse, 765 N. Front street.

Salem, 16; city hall, Salem.

Salem, 17; Benesteele Motor Co., 470 S. Commercial street.

Salem, 18; Friends church, corner Washington and Commercial.

East Salem, Rickey schoolhouse.

Salem Heights, Salem Heights hall.

St. Paul, KC hall, St. Paul.

Scotland, Wengenroth's store.

Scotts Mills, IOOF building, West Woodburn.

Scotts Mills.

Shaw, Shaw hall, Shaw.

Sidney, Grange hall, Sidney.

Silver Falls, church at Silver Falls.

North Silverton, North side pool hall, North Silverton.

South Silverton, Evergreen choolhoue.

East Silverton, Council Chambers, Silverton.

West Silverton, Knights Pythias hall.

Stayton, Mrs. Matthieu's residence.

East Stayton, Masonic hall, Stayton.

West Stayton, Commercial ciut hall, West Stayton.

Sublimity, COF hall, Sublimity.

Turner, Masonic hall, Turner.

Victor Point, WOW hall, over Victor Point store.

Waconda, J. C. Savage Garage, Waconda.

Woodard, Schoolhouse, District No. 133.

East Woodburn, M. E. church, Woodburn.

West Woodburn, city hall, Woodburn.

MARCH OF ROADS CITED BY HAYTER

Hard Surfaced Highways Only Eight Years Old, Beautification Urged

"If the county officials had recommended beautification of the highways 15 years ago, they would have been recalled and some people might have wanted to have them tested for sanity," declared Oscar Hayter, prominent Dallas attorney who addressed members of the Salem Kiwanis club at their luncheon Tuesday noon on the matter of beautification of the highway between here and Dallas.

He explained that at that time such a thing as hard surfaced roads was scarcely known. nI fact, as he pointed out, the first legislation for hard surfaced roads came only in 1917, so that Oregon's paved roads are only about 8 years old.

But now that Oregon has good roads, she should do at least as much as her sister state, California, toward beautifying them.

It is the purpose of the organization which he heads to beautify the Salem-Dallas highway by planting Hawthorne trees at intervals along the highway on both sides. It is contemplated to call it the Hawthorne highway.

Mr. Hayter declared that Walnut trees or other fruit or nut trees would be impractical at this time, because American tourists are not educated to the point of letting scenery alone, and would be forever molesting the trees when the fruit or the nuts should be ripe.

Following the suggestion of Prof. Hyslop of OAC, Mr. Hayter suggested that the highway should not be planted entirely with one sort of shrub. He suggested that the Hawthorne predominate and that wild flowers, and other natural shrubs be planted at intervals to prevent any possible monotony.

In the mean time, with the cooperation of those interested in Salem and Dallas, he is endeavoring to get some idea of the amount of money a beautification program will require. When this has been determined, the next step will be to devise the method in which the money is to be raised. Mr. Hayter put in a special plea that tourists refrain from picking wild flowers and shrubs. He declared that the wild flowers are not so pretty when out of their natural setting, and by tearing the roots, the flowers will not be replaced for years.

Winnie Braden, secretary of the Dallas chamber of commerce, was present at the luncheon, and spoke a few words in favor of the beautification of the highway.

CRATE OF COUPONS HERE

$1,500,000 REPRESENTED IN CHEST RECEIVED

A crate containing bond coupons weighing more than 119 pounds representing interest and principal payments by the state of Oregon of approximately $1,500,000 on outstanding highway and world war relief obligations, was received at the state treasury department Monday from the National City Bank of New York City.

Of the total coupons approximately $1,250,000 represented interest and principal payments on highway obligations. Interest payments on world war veterans state aid bonds amounted to $472,215.

430 MILES OF RAILROAD TO BE BUILT IN OREGON

I. C. C. AUTHORIZES ROAD CONSTRUCTION OVER AREA

Three Roads to Lay Routes; Sale of N. C. O. Lines to S. P. Favored

WASHINGTON, May 11—(AP)—Construction of approximately 430 miles of new railroad in eastern Oregon and northern California which would serve the largest area in the United States now without railroad mileage was given outright and conditional approval today with the interstate commerce commission.

Three railroads would do the building, the territory to be served equalling the combined areas of Massachusettes, Connecticut, New Jersey and Delaware.

At the same time, the commission authorized the Southern Pacific company to acquire control of the Nevada-California-Oregon railway by purchase of its capital stock; conditionally authorized the same carrier to acquire in like manner the Oregon, California and Eastern railway, and dismissed the petition of the Oregon public service commission for an order requiring construction of new railroads in interior Oregon.

The railroad applications were described as in substitution for the Oregon commission's proposals as far as meeting local needs was concerned.

If all the provisions prescribed were adhered to, all of the proposed construction would not be necessary since trackage rights over existing and proposed lines are involved in the conditions. The latter were stipulated, the commission said, in line with the policy of congres which recognized the building of unnecessary lines involved a waste of resources and that "competition between carriers may result in harm to the public as well as in benefit."

Details of construction and the working out of the cooperation arrangements suggested were left to the railroads, and in view of the importance of the whole proceeding, the commission said it expected them to "undertake in good faith to come to an understanding on the basis of its decision, or to notify it promptly if the terms were objectionable.

The central Pacific railway, the only one to receive outright authority from the commission plans to build a line 36 miles long from a point on its line two miles south of Klamath Falls, Oregon, to Cornell, Calif., and another road 62 miles long from Cornell to Altura in Modoc county, California.

The Oregon Trunk' new line would run from Bend, 66 miles to Pauning, a station on the recently constructed portion of the Natron cut-off of the Central Pacific, thence across Klamath marsh and along the Williamson river to Sprague river, approximately 70 miles and then approximately 42 miles to Klamath Falls.

The road was authorized to build from Bend to a conection with the Oregon, California and Eastern, subject to the condition, if it is granted trackage rights over the Southern Pacific between Paunina and Klamath Falls, it shall construct to a point of connection with the Natron cut-off.

The Oregon, California and Eastern proposes to build three branches, one running from its miles to Silver Lake, another terminus at Sprague river 63 from a point on the proposed Silver Lake branch along the Williamson river approximately 15 miles and the third from Sprague river approximately 65 miles to Lakeview.

The authority to the road was conditioned upon the granting by it to the Oregon trunk of operating rights over its present and projected lines between a point of connection and Klamath Falls in event the Oregon trunk failed to reach an agreement with the Southern Pacific for joint operation over its line.

Authorization of the Southern Pacific to acquire control of the Oregon, California and Eastern was conditioned upon consummation of an arrangement under

LABOR BALLOT FAVORS TOOZE

Central Labor Council of Portland Endorses Salem Candidate

SCHOOL POLICY PRAISED

"Foursquare Stand on Educational and Industrial Problems" Endorsed, New Strength Forming Daily

Fred J. Tooze, candidate for republican nomination for state superintendent of public instruction, was unanimously endorsed by the Central Labor Council of Portland, composed of approximately 100 local unions, on Monday, it was officially announced yesterday.

Endorsement followed a careful consideration of candidates, their records and policies, and was given to the Salem candidate because of his foursquare stand on educational and industrial problems during his years of service as Oregon educator, legislator and editor.

Named as official candidate of the Portland labor council, the endorsement followed action taken recently by the Salem Labor Council after careful comparison of qualifications and programs as outlined by respective candidates.

The program outlined by Mr. Tooze, which his opponents frankly admit is winning friends in all parts of the state, the Grange, organized labor and large numbers of teachers, includes a program for adult education, vocational training for boys and girls in the high schools of the state along lines of agriculture, correctly supervised apprenticeship work, adequate equipment where by the alien may be assisted and taught the fundamentals of American citizenship.

His program also includes uniform text books, which would correct the present uneconomical system whereby Portland chooses its own text books, which differ from those used in other schools of the state, making it necessary for families moving to or from that city to purchase a complete new set of books for children.

Mr. Tooze is declared to favor practical economy and flatly opposes special favors for any group organization or individual.

Opposing candidates frankly admit that new strength is rapidly marching into the Tooze camp, many teachers of the state admitting the logicalness of his candidacy. Their conclusions are based on careful comparison of statements in the voters' pamphlet wherein each has set forth either concrete programs or merely voiced the old phrases, not substantiated by definite proposition.

PREJUDICE CHALLENGE HELD CITIZEN'S RIGHT

SUPREME COURT DECLARES JUDGE MUST STEP ASIDE

Legislature Held Within Right, Despite Abuse of Law by Criminals

Right of an accused man to challenge a circuit judge and compel his retirement from the case because that judge is believed to be prejudiced and therefore unfits to preside with complete impartiality, was affirmed in a supreme court decision Tuesday, in which the following questions, reaching far back into the foundation precepts of law were raised:

"May not the state—declare—that courts shall be free from any question of bias or prejudice?"

"Does it not follow that court procedure may be regulated to the end that justice will be administered?"

And these questions are answered by the flat affirmative:

"No judge has a vested right to sit in a particular case."

Disqualification of judges for alleged prejudice is held "analogus to a peremptory challenge to a juror which no reason need be assigned. Such challenge does not establish actual prejudice, but the law says that under such circumstances the juror must step aside. So it is with judges.

"We take the premise that every citizen is entitled to a fair and impartial trial," read the opinion of the supreme court. "To secure that sacred constitutional right, legislation undoubtedly may be enacted.

"The legislature in effect has said that it is better, as a matter of public policy and the due administration of justice, that a judge, when challenged for bias or prejudice, should not act in that particular cause, even though he be blessed with all of the virtues any judge ever possessed. Courts, like Caesar's wife, must be not only virtuous but above suspicion.

"No judge has a vested right to sit in a particular case. Neither has a litigant nor an attorney a vested right to have his case heard by any particular judge. We agree that a fair-minded judge cannot be transformed into a biased or prejudiced one merely by legislative fiat. However, the statute does not purport so to do. No question of fact is involved.

"We are not unmindful that this law has been abused. In some instances it has enabled desperate criminals to delay trials and bandy courts about because, perhaps, the judges were prejudiced in favor of law enforcement. Circuit judges are being ordered about the state at the expense of the taxpayers and it may be, as counsel for the defendant contend, that courts generally are being delayed in the trial of cases on account of the operation of this law. However, these are matters which may be more appropriately addressed to the legislature. We are not justified in declaring a statute unconstitutional merely because of its abuse."

The opinion was written by Justice Belt in mandamus proceedings filed by W. S. U'Ren, Portland attorney, to compel Judge George R. Bagley of Tillamook county to grant a change of venue or call in another judge to preside at a divorce trial in which Mr. U'Ren was one of the attorneys. It was said that Judge Bagley refused to recognize the affidavit of prejudice.

With the exception of Justice Burnett all of the members of the supreme court concurred in the opinion.

Other opinions handed down by the supreme court here Tuesday follow:

J. J. McCarthy vs John Kiernan et al, defendants and appellants; appeal from Multnomah county. Appeal from decree ening with plaintiff's rights under joining defendants from interferand by virtue of a contract. Opinion by Justice Belt. Judge Louis Hewitt reversed and case dismissed.

John Deere Plow company vs Silver Manufacturing company, appellant; appeal from Multnomah county; action to enforce contract. Opinion by Jutice Belt. Judge Walter H. Evans affirmed.

Clara Heinemann vs Soloman Heinemann, appellant; appeal from Multnomah county; suit for divorce. Opinion by Justice Brown. Judge Walter H. Evans affirmed.

Ira Routledge, appellant, vs Etta May Githens, also known as Etta May Routledge; appeal from Multnomah county; suit to declare void a marriage. Opinion by Justice Burnett. Judge Robert Tucker affirmed.

Grace Kelsay, appellant, vs Charles E. Hutchinson; appeal from Multnomah county; suit for accounting. Opinion by Justice Bean. Judge George F. Skipworth reversed and case remanded.

H. L. Ekerson, appellant, vs Josephine Ekerson; appeal from Marion county; motion for appeal of application for divorce. Petition overruled.

Petition for rehearing denied in Jackson vs Boswell.

EVE COSTUME STARTLES

NEW YORK, May 11.—(By Associated Press.)—The sophisticated Eve of a Broadway Eden argued a matter of clothing with two policemen in court today. She was told to return to court on Friday with her costume so that the magistrate might render a decision. The modern Eve is Miss Beryl Halley, who was arrested last night by two patrolmen who witnessed her dance in an Eden scene at the production, "Bunk of 1926." She testified that during the dance she wore a long wig, a dancer's belt, a brassiere and a fig leaf.

The patrolmen told the magistrate that they had not noticed any costume at all and the case was adjourned to permit time for production of the various articles.