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OREGON CITY, OREGON, FRIDAY, SEPTEMBER 6, 1912

ESTABLISHED 1846

'SCHUEBEL OFFERED ME NOTES'—SCHNOERR SIGNATURE IS ASKED TO PAPER

GERMAN LEADER IS FINE WITNESS

JUDGE EAKIN TO DECIDE TODAY WHETHER DEFENDANT CAN TELL WHAT HE MEANT BY 'BOUGHT AND SOLD'

Declaring that the defendant had no right to tell what he intended to convey when he accused Chris Schuebel of having been "bought and sold," District Attorney Tongue Wednesday afternoon halted the trial of Gustav Schnoerr, President of the Deutsche Verein in Clackamas County and Vice President of the German Societies in Oregon. Mr. Schnoerr had been placed on the witness stand to testify in his own behalf on a charge of criminal libel proffered by Mr. Schuebel. What testimony he gave indicated that he would say he intended to convey the idea that Mr. Schuebel was bought and sold as any other lawyer—that is he obtained fees like any lawyer for his work. Circuit Judge Eakin, after hearing arguments by George C. Brownell, J. E. Hedges and Gordon E. Hayes for the defendant, and the District Attorney announced that he would render a decision at 9 o'clock this morning.

Messrs. Brownell, Hayes, and Hedges contended that inasmuch as Schuebel was a private citizen when the charge, which was contained in an advertisement in the Morning Enterprise, was made, it could not be considered in the sense of a similar charge made against a public official. They argued that all private citizens were bought and sold in that they gave their labor for a remuneration. Dictionaries were consulted to determine the exact meaning of the words which Schuebel contended cast a reflection upon him. When the advertisement was published Schnoerr and Schuebel were candidates for Republican nominations for state representatives, both being nominated.

District Attorney Tongue, in his argument, declared that the court must consider the words in the accused advertisement under the ordinary acceptance of meaning. He said that in political campaigns when a candidate was accused of being "bought and sold" that the meaning conveyed was he had agreed to do for money something that was wrong. Mr. Brownell called attention to the evidence that money that Schuebel had called at his home and asked that he sign a paper, adding that if he did it would mean 500 additional votes for him. He argued that a man could sell himself for something besides money. Messrs. Hedges and Hayes, who made strong arguments, declared that the evidence itself showed Mr. Schuebel did not mean to convey that Mr. Schuebel had offered him money to sign the paper.

The first twelve men to be seated in the jury box were accepted, contrary to expectations. They were all passed for cause, and then Attorney Brownell walked over to District Attorney Tongue and after a short conference, both attorneys announced their willingness to take the jury, and declined to use a single challenge. Mr. Tongue asked all of the jurors, during their examination, if they believed in the law, and if they believed if a man was running for office he was entitled to as much protection as an ordinary citizen. He also asked if any sympathy for the defendant or his family would influence their verdict. The only juror with an opinion was F. E. Mueller, who has known Schuebel thirty years and Schnoerr about twenty years. Jurors McCabe, Bartlemay and Edson were not acquainted with either Schuebel or Schnoerr, while Mueller, Bremer, Heft, Lewis and Stafford knew both men. The other jurors said they know Mr. Schuebel, but not Mr. Schnoerr, and George W. Judd was the only juror who had heard Schuebel make a speech during the campaign preceding the Primary Election.

The district attorney enjoyed a little pleasantry with Juror Stafford, when he brought out the fact that Mr. Stafford had received some votes for Representative on the Democratic ticket, and he asked Stafford, very jokingly, if he would take advantage of the opportunity to eliminate a political opponent. In the event he was accepted as a juror, Mr. Deputy District Attorney Stipp made the opening speech to the jury. His presentation was very brief, and he contented himself with a simple statement of the case, based upon the indictment.

Attorney Brownell presented the case for the defense. He urged the jurors to look upon the question of liberty, aside from the question of right or wrong.

"The liberty of a citizen is involved in this case," he said, "and you should give this case study and meditation. You must not allow your political beliefs, prejudices or feelings to enter into this case. We will show that people went to Mr. Schnoerr and told him that Schuebel had been making campaign speeches, in which he charged Mr. Schnoerr with being a candidate of the corporation. Mr. Schnoerr was not familiar with the law and naturally he wanted to counteract the statements of his political opponent,

and he therefore published an article because he believed he was justified. He acted honestly and fairly. We will show that Schuebel told Schnoerr to sign a certain paper and it would bring him 500 votes. Mr. Schnoerr no doubt meant this when he said Schuebel tried to buy him. He never said Schuebel tried to buy him with money. Now as to the expression in the advertisement that Schuebel is used to being bought and sold." We all know that Mr. Schuebel and Mr. U'Ren are law partners, and are engaged in promoting a measure known as Single Tax, and they are under pay from Joseph Fels, a rich soap man, who lives in the East. It has been admitted that U'Ren is receiving a salary from Fels, and Mr. Schnoerr naturally supposed that having U'Ren's partner, Schuebel received a share of this Single Tax money. It is no crime for a man to sell his services, nor to be bought, unless he is holding a public office."

Thomas McCabe, Franke Haberlach, F. E. Mueller, Charles Bartlemay, W. H. Bremer, John Heft, A. J. Lewis, A. J. Monk, John McGetchie, Geo. W. Judd, W. E. Stafford, and Thomas Eakin were sworn in as the jury. Mr. Hedges objected to the introduction of testimony contending that no crime was charged in the indictment. He also declared that Section 2519, Lord's Oregon Laws, under which the indictment was drawn, was unconstitutional because it stipulated that any charge made against a candidate must be shown to the man accused fifteen days before the primary. Under that section, said the lawyer, a candidate had no way to defend himself fifteen days before an election. Judge Eakin overruled the objection, and E. E. Brodie, publisher of the Morning Enterprise was called to the witness stand. Mr. Brodie said the advertisement was brought to the office of the Morning Enterprise by Mr. Schnoerr April 17. He identified the original copy.

Schuebel, after testifying that the advertisement referred to him, said he had been deputy district attorney, justice of the peace and a member of the city council of Oregon City. He said the copy for the advertisement had not been served on him. He denied there was any truth in the accusation made by Schnoerr. Mr. Hedges drew from the witness that in a public hearing at Molalla and possibly one at Mackburg, he said that Schnoerr had informed him B. T. McLean and William Sheaban, of the Willamette Pulp & Paper Company, had asked him (Schnoerr) to become a candidate for the Republican nomination for representative.

"I said to several occasions," said the witness, "that I considered Mr. Schnoerr one of the best men in the county and that no corporation could handle him if sent to the legislature. I did say that lawyers and millmen had gone to Schnoerr's house, and saying they were representatives of the City of Molalla and asking him to become a candidate. Gordon E. Hayes in a speech at Molalla announced that I, who was to follow him, would talk about Schnoerr and say that he was a corporation candidate. Hayes tried to create the impression that I and not Schnoerr was the candidate of the Willamette Pulp & Paper Company. He declared in his speech that I had gone to Schnoerr's home to try to get the candidate to sign a paper."

"What did you do at Schnoerr's home when you went there on the morning of March 31?" asked Mr. Hedges. "I had a conversation with him, but nothing that would in the slightest way influence him so far as the election was concerned. I was there possibly an hour and a half. My brother was with me. I told Schnoerr that statements had been made to me that McLean, Sheaban and Hayes had visited him and that many of his friends looked upon him as a corporation candidate. I informed my friends of his had asked me to see him and urge him to break away from the corporation men. I advised him to get out from under, after he admitted to me that he had told several persons of the fact that he was a corporation candidate. Hayes, then Mr. Schnoerr dictated a paper which I wrote. I took a copy of the paper and he said he would discuss the matter with his wife."

"Did you not at that time say to Schnoerr, 'If you will sign this article it will get you 500 votes?'" "I did not," he replied. "The state rested after Mr. Schuebel finished his testimony. Mr. Hedges moved to dismiss the indictment on the ground that the evidence was insufficient, the statute under which the indictment was drawn unconstitutional and that no crime was charged. The motion being overruled the defendant was called to the stand. He said he had lived in this county since 1888. "Schuebel came to my house on the morning of March 31, 1912," said the witness. "He was there three hours. He said to me, 'Gus I want to write something and you sign it.' He asked for paper, pen and ink. After writing the paper he said to me, 'Gus, the whole country is full of talk you are bought by capitalists and interests.' He said, 'Gus, if you sign that paper, I will get you 400 or 500 votes, and you will be the strong man in the county.' He said he was a good speaker and I was not, and could aid me."

Mr. Brownell, who questioned the witness, was interrupted repeatedly by the district attorney, who finally declared that the witness must not be allowed to place a construction upon the words "bought and sold."

Judge Eakin dismissed the jury until 9 o'clock this morning and heard the argument of the attorneys on the question.

ARBITRATION OF CANAL FIGHT OFF

ADMINISTRATION WILL OPPOSE PLAN OF BRITISH WHO ARE ANGRY TWO SPECIAL TREATIES INVOLVED One Brinds Country To Submit To The Hague Any Differences That May Relate To Inter-pretations

WASHINGTON, Aug. 25.—Although the State Department will authorize no statement to that effect, it is understood the administration will decline to permit the question of the Panama Canal toll act brought out the impression that it is in violation of the Hay-Pauncefote treaty, if the usual course in diplomatic exchange is followed, many arguments and counter arguments must be submitted on both sides before the resources of diplomacy would be exhausted, thus warranting a demand for arbitration.

While the British protest, delivered yesterday, clearly intimated a purpose to demand an arbitral decision in the event that a more careful study of the Panama Canal toll act brought out the impression that it is in violation of the Hay-Pauncefote treaty, if the usual course in diplomatic exchange is followed, many arguments and counter arguments must be submitted on both sides before the resources of diplomacy would be exhausted, thus warranting a demand for arbitration.

BRITAIN WON'T ASK CANAL ARBITRATION

LONDON, Sept. 2.—Complete disavowal was given this morning by the British Foreign Office of the so-called official announcement that the British government formally would demand arbitration on the Panama Canal tolls question.

CANDIDATES HAVE CHANCE TO SAVE MEASURES MAILED TO VOTERS OF STATE

SALEM, Or., Aug. 31.—Candidates desiring to avail themselves of the low rate for arguments and cuts in the candidate's pamphlet this year will find it to the advantage to file with the State Secretary of State through the executive committee or the managers of the political party with which they are affiliated, for an amendment to the direct primary law passed by the people at the last general election, doubling the rates for space when arguments or cuts are filed by the candidates as individuals.

Under the corrupt practices act as originally passed all candidates of recognized political parties must file their arguments and cuts for the pamphlet through the executive committee or the managers of the party with which they were identified, and each party was allowed 24 pages. An exception was made in favor of independent candidates, who were allowed to file their arguments and cuts as individuals. The provision also takes in candidates for President and Vice-President, but makes no charge for them, but for the other candidates a charge of \$100 a page is made. Each candidate is also entitled to the use of four pages in the pamphlet.

PRIZE BABIES AT FAIRS ARE NAMED

Dr. Guy Mount, who was judge of the baby shows held at the Juvenile Fairs at Sandy, Estacada, Logan, Clarks, Molalla, Canby, Oregon City, Oswego Milwaukie and Wilsonville, made his decision on the babies that are to go to the state fair, one of the new features of the fair this year. The mothers will be admitted into the fair grounds free of charge. There were more than 100 babies entered. In the shows, and the following babies have been awarded the honor of attending the state fair:

Ten months' old—George Clark, son of Mr. and Mrs. Virgil Clark, of Oak Grove; 22 months' old—Ruth Baumbach, daughter of Mr. and Mrs. A. C. Baumbach, of Boring; 2 years 1 month, 11 days old—Lewis Hasselbrink, son of Mr. and Mrs. Lewis Hasselbrink, of Wilsonville; 3 years, 10 months old—Harold Bronson, son of Mr. and Mrs. Nell Bronson, of Estacada.

WOMAN THREATENS PRESIDENT'S LIFE

LUNATIC, DECLARING SHE IS WIFE OF EXECUTIVE, ARRESTED IN COLUMBUS

One Weapon Has Photograph Of Taft On Handle—Woman Found Lurking On Upper Hotel Floor

COLUMBUS, Ohio, Aug. 29.—Caroline Deers, aged 40, who said she was from Greenville, Ohio, was arrested by Pittsburg detectives at the Southern Hotel while waiting for President Taft with two long knives, found concealed in her clothing. The woman said she was the wife of the President.

Ms. Deers said she was going to punish the President. She had been noticed yesterday afternoon waiting around the hotel and told employees that she was waiting for Mr. Taft. "I have the sacred knife for President Taft," she told a detective when arrested.

The woman did not get near the President, but was found and rushed out of the hotel just as the Presidential party arrived. She was found in one of the upper floors waiting near the elevator on which it was expected the President would go to his apartments.

One of the knives found in her clothing was a long keen-bladed affair, on the handle of which a picture of President Taft had been photographed. Mrs. Deers was well dressed. A roll of \$200 was found in her clothing.

President Taft arrived in Columbus this morning. He was accompanied by his brother, Horace D. Taft, who joined the Presidential train at Boston last night.

Although it had been announced that Mr. Taft's visit was purely social and on account of the Columbus centennial celebration, from all over the state flocked into the city, in apparent hope of a conference with the President.

The first batch of pamphlets containing the initiative and referendum measures to be voted on by the people at the general election in November were mailed in the Portland postoffice yesterday. All the pamphlets will be mailed from Portland, where they are being printed, bound, wrapped and addressed.

The batch mailed yesterday consisted of 10 mail sacks full for Grant county, 7 for Lake, 20 for Polk and 10 for Benton. One hundred wrapped copies of the pamphlet weigh 47 pounds, and it will take 1200 large mail sacks to hold all of them.

Beginning today the pamphlets will be mailed out at the rate of 10,000 a day by the James, Kern & Abbott company, which is handling the work for the secretary of state and is also doing the printing of the pamphlets on a sub-contract from State Printer Dunaway.

CARRIERS TO MEET HERE NEXT YEAR

OREGON CITY MEN EASILY WIN HONOR FROM McMINNVILLE WORKERS

BETTER ROADS, HIGHER SALARIES AND DIFFERENT ARRANGEMENT OF VOUCHERS URGED—VISITORS ARE ENTERTAINED

DALLAS, Or., Sept. 2.—The convention of the Oregon Rural Letter-carriers Association, held in this city yesterday and today, adjourned this afternoon at 1 o'clock. The association will meet one year from now at Oregon City. Practically all delegates have left the city leaving on the afternoon Portland and Salem trains. The work of the convention consisted in reading committee reports. The order of unfinished business was also taken up. After adjournment at 9 o'clock last night the carriers were entertained at the Star Theatre by the Dallas postoffice officials. A smoker constituted a part of the entertainment. There was also an interesting program.

Promptly at 8 o'clock this morning the session opened and the regular order of business proceeded. The reports of the president, the secretary and the National delegate were read and all accepted.

On motion, the rules were declared suspended and the present officers of the association were re-elected by acclamation with the exception of National delegate. The contest over National delegate was keen. The privilege of representing the local association at the annual convention of the National Association of Rural Letter-carriers is the most sought-for position. President Kraxberger and Secretary Boyd of the Oregon Association, were both mentioned for this position and could have secured it by acclamation, but both declined for the reason set forth by them that they had already served in that capacity and they believed the office should be passed around.

Three men were placed in nomination for this office: James E. Loop, of McMinnville; C. W. Levee, of Corvallis, and Archie Parker, of Independence. Five ballots were taken before Mr. Levee secured the necessary majority to elect. Mr. Levee has been a member of the association for a considerable length of time, has always taken an active interest in its work and has shown himself fitted for the important position to which he has been elected.

The contest over the next convention city was keen between McMinnville and Oregon City. The organization of the Oregon City delegation was too strong to be overcome and Oregon City won on the first ballot by a substantial majority.

GLADSTONE VOTES AGAINST HIGH SCHOOL

The election in Gladstone Saturday to determine whether the city was to have a high school resulted in the proposition being lost by a vote of 58 to 48. At a recent election the proposition was carried, but another one providing that the city furnish high school educations either at home or in Oregon City was lost. It was declared by the directors that the election was void and another was called. It is probable that another election will be called to determine whether a tax levy is to be made to provide funds for sending pupils to the Oregon City High School.

MAN WHO LOST ARM IN PLANER IS RECOVERING

Frank Sprague, whose left arm recently was mangled in a sawmill near this city, the member being amputated by Dr. M. C. Strickland, of this city, at the hospital in Gladstone, is improving. The arm was amputated about three inches below the elbow. Sprague displayed wonderful courage before being brought to this city, and assisted in removing the mangled arm from the planer.

COMMERCIAL CLUB PLANTS 60,000 TROUT

A committee of the Oregon City Commercial Club, composed of R. L. Holman, Gilbert L. Hedges and Harry Draper, planted 60,000 rainbow trout in the Molalla River, Clear and Milk Creeks Monday. The committee and assistants left this city early in the morning in automobiles and devoted the entire day to liberating the fingerlings. The trout were obtained from the state hatcheries. Early in the year the Commercial Club appointed the committee to look after the work, and a request was at once made for the fish. They arrived in sixty cans and it required two teams beside automobiles to take the fish to the streams. Mr. Elkins met the party at Molalla, and assisted in liberating the fish in the Molalla River. Pres. Bonney aided the committee in liberating the fingerlings in Clear and Milk Creeks. The use of the automobiles was donated by Miller's Garage, Pacific Garage, John Warren and Edward Greig.

GIRL BABY, FOUND ON STEP, ADOPTED

INFANT LEFT AT HOME IN MOUNT PLEASANT MADE MEMBER OF HOUSEHOLD

WRINKLING OF DOGS WAKENS FAMILY

Mr. and Mrs. Edward Take Bay, Although They Have Six Children—Family Goes To The Dalles

A girl baby, two weeks of age, was found on the front doorstep at the home of U. Edward, Mount Pleasant, at 11 o'clock Friday night. The baby was well dressed and it is believed its parents are well-to-do. Mrs. Edward was awakened shortly before 11 o'clock by the barking of dogs, and looking out of a window, saw a bundle on the step. Her husband made an investigation, finding the baby. The founding was asleep, and did not awaken for several hours. It was wrapped in white fannel, and a bottle of milk lay at its side.

Mr. and Mrs. L. H. Newman, who live next door to the Edward family, aided in feeding the infant. A dress suit case filled with baby clothing was found in the yard at daybreak. Mr. and Mrs. Edward moved to The Dalles Saturday, taking the baby with them. Although they have six children they announced they would rear the founding, and are delighted that the baby is such a fine one. The infant has blue eyes and Auburn hair. It is believed by the police that the child was left at the Edward home by a strange woman who was seen carrying a baby and a dress suit case in Oregon City early Friday evening. She is thought to have come from Portland.

A baby was left in the automobile of Dr. Hugh S. Mount, of this city, several weeks ago. The police are confident the child was brought from Portland, a woman with an infant in her arms having been seen to get off a Southern Pacific train southbound, only a few minutes before the child was found. The baby was sent to the St. Agnes Home at Parkplace.

OFFICERS OUSTED; MEN ARE REINSTATED

SALEM, Or., Sept. 3.—The officers of the Second battalion of the Third Infantry of the Oregon National Guard, who failed promptly to obey orders at the annual maneuvers near Gates, Wash., are permanently dismissed from the service, but the men of the battalion are to be reinstated. This is the order of Governor West, as commander-in-chief, issued today.

In a statement the governor says: "Believing that the officers of the Second battalion were the ones directly responsible for its failure promptly to obey certain orders of the regimental commander during the recent maneuvers near Gates, Wash., it is recommended that the order of the general staff discharging from the service certain officers and enlisted men be modified so as to apply only to such officers."

SECOND PRIZE WON BY CLACKAMAS

BENTON AGAIN CAPTURES FIRST HONOR, BUT BY NARROW MARGIN

COLUMBIA TAKES THIRD PLACE

Eugenic Exhibition Is Center Of Attraction At Great State Fair—More Babies Are Exhibited

SALEM, Or., Sept. 2.—Under a lead-colored sky but with the heavier clouds breaking away at noon and the sun in evidence at times, the fifty-first annual State Fair opened here today with a hitch in the program and with a large crowd in attendance. During the night a heavy rain fell and the day broke with a drizzle and a threatening sky. As it advanced, however, the sky began to assume a brighter aspect, and by noon everything pointed to a rainless day with assurance of more or less sunshine.

The gates at the grounds swung open to the public promptly at 9 o'clock. Early in the forenoon crowds began to fill the streets and then the announcement was made by the management that the program would be carried out as scheduled. With agriculture, livestock and other exhibits surpassing in quality as well as in numbers those of all previous fairs, a racing program with alluring purses and plenty of fine horses to participate in the contests, amusements and attractions salient of a high grade, and new and distinct features in the school children's industrial fair, the Eugenic show and the trap shooting tournament, the fair this fall is drawing a larger crowd than ever before and drawing from that crowd more expressions of praise and admiration.

Today was Labor Day the opening of the fair was dedicated to the toilers of the state, and the labor unions of the city celebrated the event with a monster parade and with a program of music and speechmaking in harmony with the occasion. Fourteen labor unions appeared in the parade, which was also participated in by city officials, and business men; and after winding its way through the principal street of the city it came to a halt at Marion Square where addresses were made by Mayor Louis Lachmann, Labor Commissioner Hoff and Attorney Charles L. McNary. Upon the conclusion of the program in the labor unions entering into the procession wound their way in a body to the fair grounds. They spent the remainder of the day in viewing the exhibits and races.

SALEM, Or., Sept. 3.—For the fifth consecutive year Benton County has been awarded the first and grand prizes of the fair for the best county exhibit. Clackamas County was a close second, giving Benton County the worst scare that it has had in its five years of continuous victories. Columbia County took third place, Washington was fourth, Lane fifth and Multnomah sixth.

The Benton County exhibit is in charge of E. F. Groves, of Corvallis, and has been in his charge during the successful career of Benton County the past five years at the fair. The exhibit is one of exceptional excellence and demonstrates not only the quality but the versatility of the soil and the products of that section of the state.

The Eugenic exhibit today was a center of attraction. Thirty more babies were measured and entered in the contest for the grand award for healthy and normal babies. The examinations will close tomorrow afternoon at 3 o'clock. Addresses were given today by Dr. Ravena Spurr on "Artificial Feeding and Infants"; Dr. Mae H. Curdison on "The Hygiene, Care and Management of the Nervous Children," and Dr. Florence Sharp Manlon on "Feeding of Older Children." All the speakers are from Portland.

Oregon Historical Society

CLACKAMAS COUNTY HAS MORE BIRTHS THAN DEATHS

That Clackamas is one of the healthiest counties in the state is attested by the bulletin just issued by the State Board of Health for April, May and June. The number of births greatly exceeds the number deaths. There were thirty-five births and twenty-one deaths in April. Two died of tuberculosis and there was one case of scarlet fever. There were forty-four births in May and twenty-two deaths. In June there were thirty-five births and eight deaths. There were two cases of typhoid.

COUPLE GET LICENSE

A license to marry was issued Thursday to Caroline Matelevich and Felix Ulasky.