BAKER IS FOUND NOT GUILTY BY **RECORDER LODER**

ESSENTIAL ELEMENTS OF GUILT NOT PROVEN IS CONCLUSION IN LENGTHY DECISION.

FULL COSPEL MISSION ADVISED TO MOVE TO REMOTE LOCALITY

Defense Wishes to Be Protected in Free Exercise of Lungs Under Guise of Religious Freedom,

Declares the Ruling.

and a half and containing about a thou- cient, for wherever the rights of the sand words, Recorder Loder Wednes- neighborhood at 600 Duane street beday acquitted Andrew C. Baker, leader gin, at that particular point the rights of the Full Gospel campineetings at of the defendant ends, and from that Mountain View, on a charge of dis- time forth he becomes a trespasser. turbing the peace.

The decision begins by stating that "the testimony of 14 reputable witnesses in no uncertain terms shows that the crowd at the place mentioned made loud noises * * * * sufficient to disturb the peace at said time and place" and concludes with a statement that "the essential elements of guilt were not technically proven, and with a caution to defendant that this decision is not to be taken in any manner as an approval of the loud and hideous methods carried on at the place mentioned, he is hereby ac-George C. Brownell was quited." Baker's attorney and C. Schuebel represented the city.

Baker Advised to Move.

Recorder Loder recommends that Baker and his followers meet'at some October 21, 1915, that the defendant if "the peculiar method of defendant causes men and women to lie on the tients to lis upon the floor and assume other compromising attitudes and positions, then the defendant is in duty bound to society to provide proper

means for caring for such persons, otherwise what might be tolerated by his

Fourtoen witnesses testified that members of the Full Gospel mission defense put an equal number on the was not true. The court said that the noise must be wilful and that no evi- disturbing anyone. But evidence was disturbing anyone and the essential

elements of guilt were not technically proven. Difficult to Eliminate Prejudice.

The decision follows in full:

that the crowd at the place mentioned disturbance inter that the particular day mentioned. It is therefore doubttongues sufficient to disturb the peace at said time and place; as to profane

and his crowd. lie upon the floor and assume other compromising attitudes and positions, then the defendant is in duty bound to society to provide proper means for aring for such persons, otherwise what might be tolerated by his followers as religious and moral would be onaidered by society as vulgar, imoral and indecent.

From the evidence presented there is no question but that defendant has grossly shaken the peace of the neighorhood mentioned. His testimony on his own behalf that he did not know he caused disturbance and that it is the Devil working through another does not modify the fact, but makes it all all times bear in mind the rights of others in his operation.

There is an attitude on the part of the defense to ignore and treat lightly an indication that the defense is not working in the interest of good citizenship or good government. Society will not and cannot tolerate any cult or sect which ignores the natural rights of others, and the defense which de fendant has attempted to set up in In a decision covering three pages the light of justice to all is not suffi-

should show:

called tongues and profane language.

Faults in Prosecution Shown. It appears that out of the fourteen witnesses produced by the prosecution Dorothy Smith and Robert Smith were directly disturbed as their house happened to be within ten feet of the tabernacle. There was no evidence to show that the defendant wilfully intended to disturb these people. Evidence was produced showing that the

neighborhood for several months and the prsecution falled to prove conclusively that on the particular day of and West Linn.

or profane language.

1. Made by defendant which was noise

3. The neighborhood must be in the contractors. It will probably be voluntarily disturbed. Doubtless if the turned over to the joint commission witnesses produced for the prosecu about the first of the month, said H.

neutral the noises might have just day night. The decision follows in full: The testimony of fourteen reputable sitnesses in no uncertain terms shows

ACCIDENT IS CAUSED BY TAN-

GLING OF WIRE WITH PRO-

PELLER BLADE.

eral hundred feet. He was taken

ashore practically unhurt. Morrissy

was engaging in a race from San Diego

to Los Angeles when the accident hap



tion had been free from animosity and A. Rands, engineer in charge, Thurs-



SECRET INDICTMENT

"Tend to your business, live econominstitutes, work among lumberman. leally and stay out of politics" is his social meetings and red letter days, guiding motto to success for young purity and rescue work, and perhaps men.

some other lines of the work. Our During his 29 years of practice, county received first honors in three lines of work this past year. The Judge Hayes has appeared in many of greatest number of comfort bags made the most important cases tried in for lumbermen of any county in the Clackamas county. He was attorney state; the largest number of essays for the Portland. Eugene & Eastern unwritten in any county compared to our til that road was consolidated by the membership, and the largest per cent Southern Pacific. He is now attorney of rain in membership of any county for the latter line. in the state. This entitled the county Dr. Withycombe, governor of our the rest of that time he has been work- the inquiries. It follows: state; Mrs. Lillian Mitchner, state ing constantly at his profession. The of The Dalles, who explained our pro- and after his retirement he will spend most famous of dairy states. In order to long delay.

attorney here, a request has been made Through the courtesy of the French

to submit a bill of costs and he has government, limited facilities for lisgiven notice that the fine and costs tening at the Eiffel tower station were will be paid if the matter is dropped placed at their disposal. Full apprewith the original conviction.

Mr. Hedges finds that the case has courtesy of the French government attracted statewide attention and he can be understood when the great has answered a number of letters from value of the Elifel tower station for

was secured with the co-operation of Due to the military necessity the the state dairy and food commission amount of time available for the wireand was the first under a law passed less telephone experiment was so lim As the most remarkable feature of by the 1915 legislature. A letter, sent lifed as to constitute a serious handipresident to a free trip to the national his practice. Judge Hayes considers by Mr. Hedges to T. G. Lockhart, of cap to a speedy completion of the convention in Seattle. Among the the fact that during those 29 years he Amity, is an example of the answers work. Added to this was the handle noted speakers in the convention were has taken only 15 days vacation. All made by the local district attorney to cap resulting from the fact that all regular communication between Mr. "I thoroughly agree with you that Shereeve and the engineers in Ameripresident, of Kansas; Dr. Anderson, work habit has become fixed on him some day Oregon will be one of the ca had to be by cable and was subject Notwithstanding the difficulty and dent of the United Societies of C. E. will probably receive most of his at- however, the interest of those who the limited amount of time available Governor Withycomb pledged him- tention and clearing done there and raise and care for dairy herds must be for receiving, and despite heavy interself to enfore the law in so far as it on other property of his throughout zealously protected. One of the ene- ference from high power station in Alfred Wall and Oscar Johnson, of is in the governor's power to do so Oregon and Washington. He will keep mies of the state is the man who pur-Old Colton, were arrested Wednesday and he said we must all as citizens his library and will continue to make chases cream of the farmers and by turbances, speech was successfully malsely manipulating the Babcock test transmitted from Arlington to Paris cheats them out of a percentage of the over a week ago, and has been reindicted by the grand jury, which com- very high tribute to womanhood and Hayes replied that he took most inter- product on every purchase. The in- peated on several occasions since, Ofmothers. He said John Barleycorn est in fine stock and his energies in dustry cannot grow and prosper under ficers of the French government have listened to and verified the results obtained by Mr. Shereeve and Mr. "The dairy business as now conduct-Curtis. Although Mr. Carty had remust for its success depend upon the ceived full cable report of all the results obtained in Paris no announcehonesty of the purchaser of cream. If ment has heretofore been made out he fails in this respect, the dairy business will receive a blow right at the of courtesy to the French government. In a cable received by Mr. McCarty beginning which it will take many today confirms the results of the tests years to overcome. made early this morning, Mr. Shereeve "I have this suggestion to make. Two reported speech received by him and or three farmers, neighbors if you like, the time of its receipt. The matter re-Babcock testing set complete. This ceived at Paris was that sent out from should get together and purchase a will not cost more than \$12. Instruc- Webb and other telephone engineers tions in reading the test will be given manipulaters of the apparatus at the either by the food and dairy commissloner and his assistants, or may be transmission station. Mr. Webb did had in various pamphlets published at this morning. Simultaneously with the Oregon Agricultural college at Cor- the reception at Paris, speech sent out from Arlington was received on the wireless at the Western Electric laboratories at New York, and at the temporary station of the American Telephone & Telegraph company at Pearl Harbor, Honolulu navy yards Mr. Espenschied at Honolulu reported that he had heard the conversation amount due them for their dairy prodthroughout the entire schedule and that Mr. Webb's voice was easily recognized. The successful transatlantic radio man is an exception and I am pleased Dan Kellaher, grocer, appearing as to know that he is in a decided minortelephone experiment last night, while possessing great historic interest as the first authentic incident of the are entirely and absolutely dependent transmission of audible speech across upon the word of a single individual the Atlantic ocean, has less scientific it is certainly good business to check significance than the recent radiodecided to dismiss a charge against up such individuals' word occasionally. telephony transmission from Arlington "The Babcock test is simple and can to San Francisco and Honolulu. The ment of the work into every neighbor- Kellaher of keeping his store open a be mastered after a little study and distance covered was much less than ment of the work into every heighoor-hood in our great county of Clackamas iet the matter wait until Deputy Dis-though that the person making the the matter wait until Deputy Dis-though that the person making the the person making the the person perso though, that the person making the the transmission was almost entirely test have the requisite materials. Your over water, a much easier condition. hottles must be of correct size; your Had it not been for the war condiacid of correct specific gravity, etc., tions, the engineers of the American these things carefully and accurately Telephone & Telegraph company selected the actual making of the test would have talked to Paris from Arcan be done with comporative ease. lington before they did to San Fran-"We want more dairies, more dairy- cisco and Honolulu. sour men, more dairy herds-all these make

clation of the interest and the extreme

usual in that neighborhood after listen language there is some doubt. The defendant admitted the noise, but in de-The essential elements of guilt were

fense attempted to show that it should not have disturbed the neighborhood, not technically proven, and with a Animosity was apparent in most of the caution to defendant that this decision testimony and it has become an exceedingly difficult problem to elimi. an approval of the loud and hideous nate from the testimony prejudice and methods carried on at the place menmotive, both evidence in the defense tioned, he is hereby acquitted.

as in the prosecution. It is unreason able, however, for fourteen conscientious citizens under oath to swear that loud and hideous noises were commonly heard, while an array of witnesses for the defense heard nothing at all.

Constitutional Point Not Clear.

The defense attempts to justify the disturbances by the right which the constitution of the United States and of the state of Oregon give all men to worship Gord according to the dictates of their own consciences, and that no law in any case whatever control the free exercise and enjoyment of relig ions opinions or interfere with the rights of conscience.

It is difficult to connect this consti tational provision with this case. The right to worship God, etc., is granted with the understanding that in the exercise of these religious rights the equal rights of others is not invaded. No sect or cult is granted any special right, for the same constitution states that no law shall be passed granting to one class of citizens immunities which upon the same terms shall not equally belong to all citizens.

Baker Held for Followers.

The defense wishes to be protected fort to find a landing place,but from in the free exercise of the lungs under the altitude in which he was flying he the guise of religious opinion, allowed could not see clearly.

pened.

The airman would probably have by the constitution, and wishes unfair immunity which does not belong to all been killed had his machine not been a hydroplane. After the plunge into citizens. the water the craft floated until a fish-

Further attempts were made to show that the noise alleged was not ing launch arrived. The wrecked plane made by the defendant personally. If was towed to shore. the defendant conducted a meeting

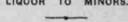
where other persons so mentally con- hour and 10 minutes. stituted that the defendant by word of mouth, or stamping foot, or motion of hand, or by loud noise or contortion, causes such persons to lie on the floor and make low and disturbing noises, MILWAUKE SCHOOL and make low! and disturbing noises, then the defendant is morally guilty of everything such persons do and defendant cannot escape by calling it the work of an evil spirit and defendant is personally liable for all the noises or screams or yells that come

from such a place.

New Location Advised, If the peculiar method of defendant members of the winning team must causes men and women to lie on the have sprinted during the afternoon floor and roll upon the floor and something like 2000 yards. Not all chant, Cleveland, Ga., had croup last scream and yell, the defendant should the men sprinted that far, but the winter. One was a boy of 6, the othprovide a suitable place and decent backs at least covered two and a half er a girl of 8 years. Mr. Nix writes: neans for carrying on such work and miles while making the 24 or 25 touch- "Both got so choked up they could out of proper respect for the rights of downs necessary to total 162 points. others, defendant should locate his Few track men could sprint such a gave them Foley's Honey and Tar and meeting house in a secluded place distance and come in smiling as those nothing else and it entirely cured more than ten feet, fifty feet, two hun- boys did. The game lasted about two them." This reliable medicine should dred feet or even five hundred feet hours from the time it began. If a be in every home for it gives immefrom where peaceable citizens are liv- sprinter wolud cover 1000 yards dur- diate relief from colds, coughs and from where peaceable citizens are it. In the line ing the meet the spectators would call croup, heals raw inflamed throat and nave a right to live in quie- ing the meet the spectators would call croup, heals raw inflamed throat and throat and throat and throat and throat and the ever used. Does not gripe-no un- "GILBERT L. HEDGES." Here the of recommending this rem "GILBERT L. HEDGES." edy to my friends." writes Mrs. Will the "ever used that citi. him "Old War Horse," "Perpetual Mo- loosens phlegm. Jones Drug Co." living five hundred feet away tion," etc.

OF THE GRAND JURY is not to be taken in any manner as

ALFRED WALL AND OSCAR JOHN-SON CHARGED WITH GIVING LIQUOR TO MINORS.



pleted its work Tuesday.

It is aleged that Wall and Johnson at Colton recently. They are both that failures in public life keep step property with the best animals he can ed in many communities of the state young men and have lived in the Col- with indifference in private life that secure. ton district practically all of their the average private citizen does not lives. They were released under \$1000 do his duty and that the average man bail furnished by their parents and in public life does not know his duty.

LOS ANGELES, Cal., Oct. 27 .- Ray mond A. Morrissy, aviator with the will plead Monday. Curtis aviation school at San Diego, Fritz Boysen, proprietor of the Hotel today narrowly escaped death in Los Belle who faces a charge of selling Angeles outer harbor when he lost liquor to minors, was also given until control of his machine and fell sev- Monday to enter a plea.

> COLDS DO NOT LEAVE WILLINGLY and organize and be constantly on the JUDGE DAYTON CHANGES OPIN-Because a cold is stubborn is no reason why you should be. Instead of "wearing" it out, get sure relief by taking Dr. King's New Discovery. Dan-gerous bronchial and hung always be ready "the prostructure opportunity presents itself.

The fall was caused by the tangling of a wire with the propeller blade. gerous bronchial and lung ailments The great national convention in often follow a cold which has been Seattle, where all the states were rep-Morrissy, lost in a high fog, circled neglected at the beginning. As your resented-435 delegates being present over San Pedro several times in an ef-

body faithfully battles those cold -was held in the splendid new Ply-

bottle today. 50c and \$1.00. (Adv.) mothers of our hand and not only talwill not soon be forgotten. COLUMBIA MEETS OREGON CITY

Several games in the Inter-City Football league of the past two Sundays have resulted in the games. Next ter and national constitutional prohicouver, Wash., will tackle the Vancouver soldiers on the barracks grid-

L. C. Hochett of Newport has been

Two Children Had Group.

The two children of J. W. Nix, merneed of one or see an opportunity, community. hardly breathe and couldn't talk. I

MRS. E. B. ANDREWS, County President.

Some married man, writing in the hecht, Salt Lake City, Utah writes: Boston Globe, reflects that a great ad- "I find Citrolax the best laxative I

bibition law, and Daniel Poling, presi- his time at work. His farm at Stafford that she may attaing this distinction.

SAVES AVIATOR'S LIFE Old Colton, were arrested Wednesday and he said we must all as citizens his library and will continue to or giving liquor to minors. They were tell Poling is a fine analysis and such as the said we must all as citizens his library and will continue to or giving liquor to minors. They were tell Poling is a fine analysis and such as the said we must all as citizens his library and will continue to or giving liquor to minors. Asked if he had a hobby, Judge

must be slain and it could only be done the future will probably be directed such conditions. gave liquor to several boys at a dance by the vote of all the citizens. Also along the line of stocking his Stafford

> CLOSING LAW CALLED He said prohibition is the tool, the opportunity and can be enforced again with great emphasis it can be done VALID IN PORTLAND We were all urged in all departments of the work to greater earnestness and faithfulness. That our work was just started. We must agitate, educate

> > ENCES-APPEAL PLANNED.

germs, no beter ald can be given than mouth Congregational church. The in- Kellaher \$25. Kellaher then insisted purchaser of the cream. By thus checkspiration gained in sitting day after been tested by old and young. Get a day and listening to the talented began arguing that, in the present who sell cream will be able to receive case, he was arrested as a butcher and a correct reading and obtain the full ented but the consecrated mothers, not a grocer.

> The two great thoughts most often expressed were: 1st, more consecration, more earnest service for the Mas-

Sunday's schedule finds the Colum-bition. The accounts of the rapid there is no Sunday clouing law in Ore. It is no a decided minor-ity. But in cases where the farmers bia Park eleven battling the Oregon growth in the temperance work and there is no Sunday closing law in Orewith it the increased efficiency along gon and brought authority in the way Park, while at the same time the Wash- all lines were truely wonderful. We of law books which no nearly concame home filled with the earnest de- vinced Judge Dayton that he had about sire to push every practical departwhere we could find one or two faithcanning herring the same as sardines ful ones to carry and superintend the trict Attorney Mowrey, who prosecuted the case, might examine the law and

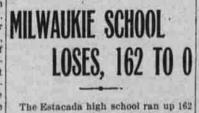
its many phases carefully. Citrotax Citrolax CITROLAX

Best thing for constipation, stomach, lazy liver and sluggish bow- for the upbuilding of our great state.

els. Stops a sick headache almost at But we demand rigid honesty in the once. Gives a most thorough and sat- purchases of the farmers' oream-this "Last winter I used a bottle of Chamisfactory flushing-no pain, no nau- we must have if the dairy business is berlain's Cough Remedy for a bad sea. Keeps your system cleansed, to be a success-and this we will have sweet and wholesome.-R. H. Wei- to the full extent of the law. "Belleve me "Yours truly,

Recommends Chamberlain's Cough Remedy

bronchial cough. I felt its beneficial effect immediately and before I had finished the bottle I was cured. I never tire of recommending this rem edy to my friends," writes Mrs. Wil-



point in a football game with Milwaukie Saturday. That means that the

Morrissy had been in the air one

ington Athletic continuent, of Vancou-

iron.

and salmon with satisfactory results, work.

Dear sisters, if you have no Woman's Christian Temperance union in your neighborhood and you feel the

please let us know about it and we will do all we can to help you organize and maintain the work in your

The great national convention in

Yours faithfully.



ION ON HEARING REFER-

PORTLAND, Ore., Oct. 27 .- Judge Babcock test. Then let them test Dayton decided the Sunday closing their own cream occasionally and comlaw valid and in full effect. He fined part results with those obtained by the in reopening the case and at 3:30 p.m. ing the creamery operator the farmers

Judge Dayton at first fined Kellaher ucts. Judge Dayton at first internet with the second seco