

The Enterprise is the only Clackamas County newspaper that prints all of the news of this growing County.

OREGON CITY ENTERPRISE

OREGON HISTORICAL SOCIETY
The Weekly Enterprise
worth the price. Compare it with others and then subscribe.

FIFTIETH YEAR—No. 41.

OREGON CITY ENTERPRISE, FRIDAY, OCTOBER 13, 1916.

ESTABLISHED 1866

SISTER FIGHTS A SISTER FOR THE E. R. CASE ESTATE

LEGALITY OF MARRIAGE, ALLEGED TO HAVE BEEN FRAMED, IS ISSUE.

FAMILY FIRED WHICH BROUGHT ON CASE MURDER REVIVED IN COURT

Picture of Tombstone of Thelma Case, Riverview Cemetery, Introduced as Evidence to Show Couple Lived as Married.

On the question of the legality of the marriage of Leona Charters and the late Ernest M. Case, Mrs. Ralph Smith, her own sister, and Cassius M. C. Case, her brother-in-law, are making a fight in the probate department of the county court for the estate left by Ernest Case. Evidence was introduced before Judge Anderson Monday and the case will be argued next October 18.

The case resembled in many ways the Ford case in Portland of two weeks ago which attracted much attention. Sam Case on October 3, 1916, shot and killed his brother Ernest, on the county road at Parkplace. Sam died a month later at the Oregon City hospital following an operation on his stomach.

The wife of the two men, Leona and Mary Case, are sisters, but not on speaking terms because of a family quarrel of long standing. In April, 1916, Mary Case, Sam's widow, quietly slipped over to Hillsboro, Washington county, and married Ralph Smith, ex-larkeeper, employed by Ernest when Oregon City was west.

Legality of Marriage Issue.

Probate proceedings in the estate of the late Ernest Case were begun several months ago and his widow, Leona, was appointed administratrix. Cassius M. C. Case, brother of Sam and Ernest, then filed a petition to remove Mrs. Leona Case, alleging that she and his brother were never legally married.

The case of Mrs. Leona Case rests largely on the ruling of a Multnomah county circuit judge recently that a common law marriage is valid, backed by a statute which provides that if a marriage ceremony, believed by one party to be valid, is found to be illegal, it shall be valid as far as the person who thought it valid is concerned.

Roy Charters and his wife, Leona, were divorced in the Clackamas county circuit court in February, 1911. A few days after the decree was signed, Leona Charters, Ernest Case and Mary Case went to Vancouver, Wash., where Mary Case, it is alleged, signed an affidavit that she knew of no legal impediments to the marriage of Leona and Ernest. However, the auditor of Clarke county explained the law relative to a marriage within six months of the date of a divorce decree.

(Continued on Page 4.)

GRAND JURY INDICTS SIX, THEN ADJOURNS

NOT TRUE BILL FOUND IN CASE OF C. W. BLAIR—NEW JURY NEXT MONTH.

Six indictments were returned Thursday by the grand jury and one not true bill. After making its report, the jury adjourned. A new jury will be drawn next month.

Those indicted are Frank Schmidt, on a charge of larceny; M. H. Herbaugh, statutory charge; P. B. Kellogg, exposing his person; and Edgar Conboy, August Perry and Ray Pletzold, burglary. The jury found a not true bill in the case of C. W. Blair, charged with obtaining money under false pretenses.

Sheriff Wilson will bring the six before the court within the next few days for arraignment. The jury made no return in the case of John Joseph, charged with larceny in a dwelling who was sent to the state hospital for the insane Wednesday.

PETITIONS DENIED FOR TIMBER ASSESSMENT CUT

BOARD OF EQUALIZATION HOLDS TO NEASE'S VALUATION OF \$1,354,126.

The county board of equalization, before which all actions to reduce assessments are brought, has turned down the annual petition of C. L. Star, a Portland attorney representing big timber interests, asking for wholesale reductions.

Mr. Star represents the Weyerhaeuser Land company, Frank E. Dooley, E. S. Collins, the estate of T. D. Collins and the estate of George S. Lacy. The total assessment of property held by these interests is \$1,354,126, and Mr. Star asks that the figure be reduced to \$629,363.

The greater part of this assessment is on timber lands in the Cascades. The county's assessment is based on the Nease cruise, which the timber interests are trying to knock out. One case was appealed from the board of equalization to the circuit court by the timber owners, and from the circuit court to the supreme court by the county two years ago. The case now is pending before the higher tribunal.

BABY SHOW CLOSURES FAIR.

ESTACADA, Or., Oct. 7.—The Eastern Clackamas county fair closed here Friday with a baby show, one of the features of the big annual exhibit, the first of the season.

The baby show winner was Beverly Bronson, the 1-year-old son of Mr. and Mrs. Lee Bronson.

The football game between Estacada high school and Franklin high, of Portland, resulted in a 14-0 victory for the latter.

Other events of the day were addresses by Professor Hart, of Reed college, and County Superintendent of Schools Calavan.

LOCKS OF LITTLE USE BECAUSE OF LOWER CHAMBER

BOATS DRAWING MORE THAN 18 INCHES ARE UNABLE TO GO THROUGH NOW

EFFORT WILL BE MADE TO GET APPROPRIATION FROM CONGRESS

Improvement is Necessary Before Property Recently Acquired by Government Can be Used 12 Months a Year.

The Oregon City locks around the falls of the Willamette, bought by the federal and state governments at a cost of \$200,000 from the Portland Railway Light & Power company, are practically useless at the present time.

No river craft drawing more than 18 inches can get through the locks, because of the shallowness of lower lock chamber at the present stage of the river. This condition has existed for three weeks, although probably not as serious as just at the present time, and there is little hope for relief until the winter rains begin.

This condition exists in spite of the fact that considerable money has been appropriated by the federal government for locks improvements, and some work has been done. Congress has set aside no funds to deepen this lower lock chamber, but Oregon City business men are preparing to make an effort to get an appropriation from congress in December for this work. Other Willamette valley cities will probably be asked to join in the campaign for adequate locks development.

Vessels in the fleet of the Williamette Navigation company have been unable to go through locks for three weeks. Other river boats, drawing less water, can go through when not loaded heavily, although they sometimes have trouble.

A simple and effective method has been devised to get boats going down stream out of the lower lock. When the boat reaches the shallow chamber, the lock gate above is opened and the vessel goes down on the flood of water as if it was shooting a rapids. The plan works satisfactorily on boats going down stream, but of course, does not aid vessels going up the river.

The government has dredged a six-foot channel from Portland to a point 20 miles above the Willamette falls, and other improvements, not only to the Willamette, but to tributaries as well, are planned and money has been appropriated for the work. Yet, all boats plying between Portland and towns on the Willamette above Oregon City must go through the locks. That shallow lock chamber affects traffic on the Willamette from Portland to the head of navigation and nullifies the good of other river improvements.

The condition exists every summer and fall. A year ago all traffic through the locks was halted for several weeks at a time. A child then could wade in the lower chamber.

The floor of the lower chamber is rock, and it would require probably \$50,000 to deepen it and other lock chambers which are not quite deep enough. For some unknown reason Congress has appropriated money to put in concrete walls in the canal and make other improvements, but has neglected to set aside funds with which to correct a condition which hampers navigation from two to ten weeks every summer.

JUSTICE OF PEACE TO HOLD OFFICE SIX YEARS

The supreme court of Oregon in a decision made Friday held that the office of the justice of the peace was a judicial office and the term of office six years.

The old law held that a justice of the peace held office for two years. In 1911, by a vote of the people, the term of office of judges of the supreme court and all other judicial officers was extended to six years.

Some doubt existed in legal minds of the state, if the term "judicial office" applied to the office of the justice of the peace. The supreme court was called upon several years ago to pass upon the office of county judge and held that it was a judicial office. This is the first time that the high tribunal was called upon to pass on the office of justice of the peace.

The decision will effect fourteen offices in Clackamas county, where the officers were elected two years ago.

DESERTED HUSBAND SUES

Charging that his wife told him that she did not love him and that she ran away with one Norton Pease to San Francisco, where she is now living with him, George E. Agnew Thursday filed a suit for divorce against Nellie Lee Agnew in the Clackamas county circuit court. They were married October 6, 1908, in Portland. He alleges that she ran away with \$310, his earnings, when she departed for the south with Pease.

ENTERPRISE LIKE A LETTER FROM HOME.

The Enterprise is read by scores of persons who formerly lived in Oregon City, and are now residing in some other town. Perhaps, many appreciate the paper when they are away from home, for then it comes regularly like a letter from home, chronicling the events of the county. Helena B. Hinesman is one of our former fellow townpeople who is now reading The Enterprise. "While the years have brought many changes in the old town, many friends are still there from whom I am glad to hear about through The Enterprise," she writes, "as from her present home in San Francisco, and Oregon City is always the place that comes to my mind when I think of home." I wish The Enterprise continued success.

WILBUR AND HIS AIDES PLEAD NOT GUILTY TO DRY LAW INDICTMENTS

COURT OVERRULES DEMURRER AND THREE WILL BE TRIED EARLY NEXT MONTH.

Julius Wilbur, proprietor of the raided Friars' club; Tommy Nishioka, Japanese porter, and Louis Rosenfeld, waiter, entered pleas of not guilty Monday to charges of violating the prohibition law. They were indicted under secret indictments returned by the grand jury. C. W. Fulton, of Portland, appeared as their attorney.

Attorney Fulton demurred to the indictments, alleging that they did not give the names of the persons to whom the liquor was sold.

"Have you read the prohibition law?" asked Circuit Judge Campbell.

"Why, yes," answered Fulton, somewhat surprised.

"The prohibition law makes it unnecessary to name the person to whom the liquor was sold," explained the court. "Your demurrer is overruled." Wilbur, who is charged with violating the prohibition law under a separate indictment, will be tried November 9, and Wilbur and his two aides, indicted together on another count, will be tried November 10.

Julius Wilbur, proprietor of the raided Friars' club is charged with violating the prohibition law in a secret indictment returned by the grand jury, and Wilbur, Tommy Nishioka, Japanese porter, and Louis Rosenfeld, waiter, are accused of the same charge in another secret indictment, it became known Saturday morning when Wilbur and his two aides were brought before Circuit Judge Campbell on bench warrants.

The grand jury returned two indictments in the case, one against Wilbur alone, and the other charging a violation of the law against all three the night of the raid.

Casey Jones, employed at the club as a musician, was released Saturday under \$500 bail to appear as a witness. No indictment was returned against him.

Wilbur presented a carefree appearance in the circuit court room, and seemed not to worry over his predicament.

DEMOCRATIC POLITICAL POT BOILING VIGOROUSLY

The democratic political pot is boiling vigorously—in Clackamas county at least. Four well known democrats, District Attorney Gilbert L. Hedges, Ed Jack, Fred Johnson and Charles Risley, fired the opening guns of the campaign Monday evening at Stafford under the direction of Chairman Starkweather. A large and enthusiastic audience was in attendance.

Wednesday evening at Clarkes another good meeting was held. Mr. Risley, candidate for county commissioner, pledged his best efforts in a constructive road program. J. E. Jack asked the voters to investigate his life as a public official of Clackamas county and asked that they consider this in deciding whether or not he would serve the people at all times if chosen for the legislature. Fred Johnson based his claim to the assessor's office on sixteen years of assessing land values in Clackamas, Baker and Umatilla counties.

Mr. Hedges asked the voters' support solely upon his record of achievements in office.

GLEN COREY IS RELEASED.

Glen Corey, arrested Saturday at Cherryville by Deputy Sheriff Frost on a statutory charge against him in Sherman county, was released from the county jail Monday when local authorities received word from Sherman county that the state's principal witness in the case had disappeared.

ROAD SUPERVISOR SYSTEM IS CALLED FOOLISH, INEFFICIENT

Rufus C. Holman, county commissioner of Multnomah county, in a speech before the Live Wires at Oregon City Tuesday, declared that drainage is more important in Clackamas county in road construction than hard surfacing.

He said he had been up and down the Willamette valley during the last week and he found hundreds of miles of roads constructed without proper drainage, and some without any drainage at all. Mr. Holman said that it would be impracticable, because of the cost, to hard surface more than a very small portion of the roads of any of the counties of the state, except Multnomah, which is in an unusually favorable situation, having one-third of the wealth of the state and a road mileage of only about 500 miles, while Clackamas county has approximately 1500 miles.

"The time to hard surface a road," said Mr. Holman, "is when the maintenance costs become as great as the cost of surfacing. Clackamas county is to be congratulated upon doing some permanent work on its roads, and though I believe that the type of pavement is not first class and will not stand up under modern traffic for a term of years, it may be that I am wrong and I hope I am."

"The method of having a lot of supervisors to direct the road work in any county is absolutely insane. It is foolish and an economic waste. It means that you do not get more than 60 per cent efficiency."

"I have been a taxpayer in Clackamas county since I was 21 years old, and I have a selfish interest in its welfare. I believe it is wrong to elect such officers as county surveyor and auditor. They should be highly trained officials and should therefore be appointed. The people are very likely to elect a candidate more for his affability than his capability."

Commissioner Holman said that Oregon needed above all things to develop its country population, as the towns were growing proportionately faster than the country and the state had become "urban top-heavy."

The Live Wires are expected to get behind a movement to make an appropriation of \$2000 for the maintenance and improvements of parks and playgrounds in Oregon City.

UNITED STATES NOT KEPT OUT OF WAR ASSERTS PILES

WITH COLD FACTS, EX-UNITED STATES SENATOR TELLS OF WILSON'S FAILURE.

ACCUSES PRESIDENT WILSON OF SIDE STEPPING ISSUES

Likens President to Modern Dance; Audience Applaud Stern Criticism of Democrats Made by Washington Man.

Senator Samuel H. Piles, of Seattle tore the record of the Democratic party to shreds in Willamette Hall Friday night and hung the tattered garment on the fence to air. With forceful gestulation and stentorian voice, the Washington statesman unfurled the American flag to more than 200 patriotic citizens and lambasted the Wilson administration from Dan to Beersheba. The tariff, the foreign policies, the financial legislation, the broken platform pledges—all were exposed, flayed and scattered to the four winds of Heaven.

Facts—not spellbinding oratory—were given by Mr. Piles. Word by word, step by step, year by year, he took the acts of the Democrats and let drive straight from the shoulder. No phrase-maker of "weasel words" is Senator Piles. No empty platitudes were his. But cold, pitiless facts, proven to the last ditch were hammered home to an interested and attentive audience that applauded to the echo.

"He kept us out of war," exclaimed Senator Piles. "Yes, he kept us out of war. How did he do it? Under his direction we invaded Mexico. We landed troops at the Mexican harbor of Vera Cruz. We killed and wounded about 400 Mexicans. They killed and wounded 120 American sailors. We went down there to compel Huerta, whom Wilson had refused to recognize, to salute the flag. But he did not salute the flag and he never saluted the flag and we finally stuck our tails between our legs and got out. This is Mexico again and some of our men were slain, and then Carranza told us to stop and back track and we did Mr. Wilson did not keep us out of war. He plunged us into a war, for it was nothing else and we emerged without honor. He lifted the Republican embargo upon arms and munitions for us. Then he stuck it on. Then he lifted it, then he put it on again and then he lifted it, and his antics can be compared only with the modern dance—one step forward, two steps back and a hesitation."

Senator Piles reference to the prosperity of the country and its relation to the protective tariff struck home. He dealt in actual figures. He related how the lumber and shingle industry of the Pacific Coast became paralyzed soon after the Underwood tariff bill became effective, and he proved that the European war is responsible for whatever "spotted" prosperity exists, and that the Democrats are in small and untruthful business when they boast that this kind of prosperity is due to the wonderful and ghastly attempts of the Wilson administration to rule this country.

George C. Brownell, Republican candidate for representative in the legislature, introduced Senator Piles.

North Bend men start new shingle mill on Larson inlet.

FAIRBANKS HURLS VERBAL SHOT AT PRESIDENT WILSON

HUGHES RUNNING MATE SPEAKS TO CROWD THAT FILLS PORTLAND ARMORY.

VERA CRUZ INCIDENT IS REVIEWED AND CRITICISED

Overflow Meeting Held at Baker Theatre—Crowds Give Undivided Attention and Applaud.

PORTLAND, Ore., Oct. 7.—For any one to vote for President Wilson on the assumption that he kept us out of war seems like the irony of fate, said Charles W. Fairbanks, republican nominee for vice-president, before an immense crowd at the Armory last night.

"The return of Mr. Wilson to Washington means that when the war ends we will be confronted with serious economic and other problems; that we shall be obliged to suffer from the damage which democratic policies will inflict upon the country. They are certain to be very direct and very real."

"Everyone who will deeply reflect upon it can see that when the war ends and the millions engaged in the war in the old world take up the implements of peace and reach out for our markets, the competition will be very keen. It will be a battle of wages between the European and the American working man. It will be the sharpest struggle of the kind within recent years at least. Necessity will drive our foreign competitors to make every concession in wages known, to command a considerable share of our markets."

Mr. Fairbanks ridiculed the over-worked democratic idea that the president has kept the country out of war. The blundering occupation of Vera Cruz involved every element of war he asserted.

"Ask, if you will, the fathers, mothers, brothers and sisters of our brave boys in Vera Cruz, who now lie buried at home, if there was not war in Mexico," he besought.

His audience received this significant suggestion in profound silence, and Mr. Fairbanks, taking note of the impression that his words had created, continued with emphatic declaration that there has been no demand by the country or by any part of the country for a war. On the contrary, he added, public sentiment is overwhelmingly against it.

Mr. Fairbanks' speech was confined largely to a discussion of the democratic cry that "he kept us out of war," but he departed from this line of argument at frequent intervals to plead for a continuation of the protective tariff policies to which the republican party stands committed.

Moreover, he made it plain that the tariff question is closely interwoven with the problems growing out of the present war in Europe.

"The return of Mr. Wilson to Washington means," he asserted, "that when the war ends we will be confronted with serious economic and other problems. It will be a battle of wages between the European and the American workingman. We must protect ourselves against the products of Europe's low-priced laborers if the standard of our wages is to be maintained."

His audience was plainly a sympathetic one and applauded repeatedly his bitter attacks upon the democratic administration.

His reference to Charles E. Hughes, his running mate, met with a deafening volume of applause.

His speech in Portland last night was the fourth one of the day. He had spoken previously at Eugene, at Albany and at Salem, but his voice was in good condition.

Gas Corporation Does Not Seek Unfair Advantage of County Asserts Attorney of Company

Holding that the Portland Gas and Coke company of Portland, who is seeking a franchise to lay gas mains on the county roads, in a territory which begins at the Multnomah county line and ends near New Era, had been placed in a false light before the public, H. W. Strong, attorney appeared before the county court Friday and explained in detail the law.

Mr. Strong held that the gas company had no desire to be unfair, and that the law which passed the 1915 legislature gave the corporation no more rights than other public service corporations have had for years. He further held that the law as enacted in 1915, did not give the gas company the privilege to lay mains, should the court refuse to grant a franchise. He explained that should the court refuse to grant a franchise the gas company then had a right of eminent domain and could appear before the circuit court and through condemnation proceedings ask for the right to lay mains on the roads over which the county court had refused permission. Under this procedure the county court would be represented as well as the gas company. The franchise which the gas company had presented, he held, were fair and fully protected the county as well as the corporation, even to the point of negligence on the part of the corporation.

The district which had been mapped out, embodied in the application for a franchise, he said was large, but this was done because the gas corporation had confidence in the future growth of the county. The gas company, according to Mr. Strong, was put to an expense in many instances, when forced to make an application to secure a franchise, each time fifty feet of pipe had to be laid.

"We receive applications from residents of a certain section of this county for gas. We are ready to serve them, thus rendering a convenience and giving us a fair profit, if allowed to serve them. But if it becomes necessary to spend a number of days to prepare and present an application to the court, in order to serve a few people of some district, the expense becomes so great that it is unprofitable," said Mr. Strong. "We received applications in Clackamas, for instance, and stoves to the consumers, and they paid the first installment on the 'loves.' We went before the court, which made only one a month, and presented an application. The court, as is necessary, presented the application to the district attorney for his approval. This was right, but nevertheless, we could not put in the mains all summer, and the applicants were forced to wait. It is this delay that we are trying to prevent when we ask for this franchise."

The franchise is not an exclusive one, and according to Deputy District Attorney Burke, it protects the county to a greater extent than does the average franchise presented to the court.

Opposition developed to the granting of the franchise, when stories appeared in local and Portland newspapers, holding that according to a law passed by the 1915 legislature, the gas company, providing that they could not agree with the county court on any franchise, could lay mains on any county road.

Mr. Strong contended that the legal aspect gathered by newspaper reporters from local attorneys has proven erroneous and was not complete.

The court, after listening to Mr. Strong, took the application under advisement until the next term of the court.

Watch The Local Campaign

If this is to be a Republican year, let us go farther than the National ticket and consider our own local problems. Let us scrutinize the men who have been nominated for county offices, men who have been placed in the field as the candidates of their party by the people at the direct primary election.

It so happens that many of the nominees on the Republican county ticket are candidates for re-election, and that their records have been such that they do not face strong opposition at the polls. We refer to Circuit Judge Campbell, County Clerk Harrington, Sheriff Wilson, Treasurer Dunn, School Superintendent Calavan, Surveyor Johnson and Coroner Hemphred. They have been efficient officers and will make efficient officers during another term. Dudley C. Boyles, whose training as deputy recorder has secured for him the Republican nomination, will have no opposition.

But the Democrats of Clackamas county are playing this year the same game that they have played before, at times with indifferent success. They have nominated a few candidates and have centered their forces upon the election of a district attorney, an assessor, a commissioner and one representative.

The Enterprise puts the question squarely up to the Republican voters of Clackamas county—the women and men who will be solicited to scratch their tickets on election day in favor of these four Democratic candidates and against the men who have been placed in the race by the votes of their fellow Republicans under the direct primary law. The fight of the Democrats is being made against William M. Stone, for district attorney; W. A. Fretter, for commissioner; W. W. Everhart, for assessor, and against H. C. Stevens, George C. Brownell and Dr. H. A. Dedman, the last three being the Republican nominees for the legislature.

Watch the peculiar campaign tactics of the local democracy from now until election day. Frustrate their well-laid plans by VOTING THE REPUBLICAN TICKET.