

OREGON HISTORICAL SOCIETY  
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## COURT WILL NOT REVIEW PROCEEDINGS

### FINAL ACTION IS TAKEN IN DIVORCE SUIT

#### Decision of Chief Justice to Stand; Couple Are Still Married

SALEM, Or., Sept. 20.—The Oregon supreme court, in an opinion by Chief Justice Burnett, today denied a rehearing of the divorce action brought by Mrs. Marjorie Hawley against her husband Willard Hawley Jr.

The case originally was tried in the circuit court of Clackamas county, with the result that a divorce was denied Mrs. Hawley and a decree was awarded to the defendant. Temporary custody of the child was awarded to Mrs. Hawley.

Mrs. Hawley later appealed the case to the supreme court. In an opinion written by Justice Brown the entire proceedings were dismissed on the grounds that it would be against public policy to award a divorce to either of the parties to the action.

After the decision of the Supreme court was given, and the Hawleys were placed in the same legal relationship as they were before the divorce suit was filed, the respondent entered a request with the supreme court to reconsider its verdict. It is this petition which is denied in the action taken Tuesday.

The action of the court in denying the rehearing leaves the case where it was—with the entire proceedings dismissed.

## Postal Exam Set; Eligible List, Plan

The United States Civil Service Commission announces a post office Clerk-carrier examination, to be held on October 15, 1921, for the purpose of establishing an eligible register from which selections may be made to fill vacancies as they may occur in the position of clerk or carrier, post office service at Oregon City, Oregon. The salary is \$1,400 a year.

**Women are Eligible**

All citizens of the United States who meet the requirements, both men and women, may enter this examination; appointing officers, however, have the legal right to specify the sex desired in requesting certification of eligibles. Age limits are 18 to 45 years on the date of the examination, and do not apply to persons entitled to preference on account of military or naval service.

Royal H. Trullinger, local secretary of the board of civil service examiners here is in a position to supply all who desire to take the examinations with the necessary application forms and all needed information.

**Height Requirements Made**

It is now required that both male and female applicants must measure not less than 5 feet 4 inches in height in bare feet, and will not be eligible for appointment either as clerk or carrier unless they weigh at least 125 pounds in ordinary clothing, without overcoat or hat. Height and weight requirements do not apply to persons entitled to preference because of military or naval service.

## Roy Gardner Now Thought to Be Off McNeil's Island

McNEIL'S ISLAND, Sept. 16.—Roy Gardner has escaped from McNeil's Island and is now hundreds of miles away from the federal penitentiary.

This was the tact admission made today by Warden Maloney.

Maloney's actual words were simply that Gardner "might" have escaped, but the warden has heretofore been so confident in his declarations that the desperado was still on the island that prison guards interpreted his statement as meaning that he had given up all hope of catching the escaped train robber.

### CHICKEN HOUSE BURNED

A chicken house belonging to Harry Bond at Meldrum burned to the ground Saturday, with the loss of several fowls, a ton of grain, and a quantity of hay. A small tool house and its contents, adjoining the chicken house, was also burned. How the fire started has not been determined.

### THREE DIVORCES GRANTED

Three decrees of divorce were granted in the circuit court Thursday. They are Einar from Anna Openheim, Ida from James Ryan and F. M. from Myrtle Swift.

## RAPPE MURDER CASE WITNESSES MISSING; OFFICIALS PUZZLED

### Guests at Arbuckle Party to Testify; Tampering With Evidence is Charged

SAN FRANCISCO, Cal., Sept. 20.—Disappearance of several witnesses, one of them a woman, who were to testify before the federal grand jury tonight in an investigation that liquor was served at the party in the Hotel St. Francis where Miss Rappe is alleged to have received her fatal injuries, was announced today by Robert H. McCormack, assistant United States attorney general investigating prohibition violations.

McCormack had announced witnesses would be called who were guests at the alleged revel. McCormack will not, he said, seek indictments at this time, waiting until other federal officers have completed investigations now going on in the motion picture colonies of Los Angeles and Hollywood.

Charges that four persons, one of them a prominent figure in the Rosebud Arbuckle case, have discussed the likelihood of their benefitting financially by means of tampering with important prosecution witnesses were made today by District Attorney Matthew Brady. Brady's statement followed adjournment early this morning of the San Francisco county grand jury. He declared that it has been disclosed that these three witnesses had discussed the probability of "making money out of the Arbuckle case by framing" Miss Joyce Clark to impeach the testimony of Miss Zeh Prevost, a most important prosecution witness.

## CITY FAVORS 5TH STREET ROAD ROUTE

### POLICY DETERMINED ON SOUTH END ARTERY

#### Mayor Appoints Committee to Confer on Ferry Across Willamette River

Action upon the two most vital problems effecting the highway program in Oregon City and Clackamas county was taken by the city council at its special session Saturday night.

The council officially passed a motion establishing the 5th street undergrade crossing route as the line advocated by the city for the south end road improvement, and Mayor Shannon empowered the street committee to represent the city in the negotiations pending for the operation of a ferry across the Willamette river during the time that the new bridge is being erected.

H. S. Mount, chairman of the street committee drew the council's attention to the South End road outlet. He stated that the highway commission seemed anxious to have the improvement made in order to complete the entire road in this vicinity. The city, he felt, should have some definitely established policy in this regard, so that any negotiations could be carried on with a definite idea as to what the future program would be.

**Motion is Unanimous**

His motion to establish the Fifth street undergrade crossing route, which will carry the road on an even grade up over the bluff, was unanimously passed, and the recorder instructed to advise the highway commission of the action taken by the city.

The motion which was passed, in placing on record the sentiment of the council settles the controversy as to the route for the South End road, when the improvement is ultimately made. The 5th street route was recommended by Resident Highway Engineer F. T. Young, after a survey of three other ways of making the improvement.

In appointing the street committee to represent the city on the matter of a ferry, Mayor James Shannon stated that inasmuch as negotiations on the part of the West Linn and Chamber of Commerce committee were held up, pending the appointment of representatives from the city, the matter should be placed in someone's hands so that it could be properly presented to the county court.

The ferry is now under consideration at this time for the reason that the highway commission has offered to complete the paving of the Pacific highway from Bolton to the bridge immediately, if the county will guarantee to keep traffic open. The committees having the matter in hand at present will confer with the county court.

City Attorney O. D. Eby read a letter from the highway commission relative to the city's request that the wall under the east approach of the new bridge, be changed from a solid structure to viaducts in order to allow more parking space.

The engineering department of the highway commission has agreed to make estimates of the increased cost which this change would make, and then decide what action will be taken.

## The Income Tax

The report issued by Milton A. Miller, collector of internal revenue, shows that Oregon in the year of 1919, 49,663 persons paid taxes upon an aggregate net income of \$166,240,606. Oregon's position in the order of magnitude as to all the states in the Union, in the per cent of population filing returns was 17th, and 28th in the net income per return.

One of the most interesting comparisons is that in the nation at large 5.03 per cent of the people filed personal income returns, while in Oregon 6.34 per cent filed them. The total income tax in the state in 1919 was \$8,232,437, while in 1914 it amounted to \$337,051.

The largest number of personal returns were filed in the \$1000 to \$2000 class, totaling 19,815. The largest net income in any one division, fell into the \$2000 to \$3000 classification. In the \$5000 income class, 1,604 returns were filed. In the \$10,000 class 247 people paid taxes.

The highest classification upon which taxes were paid was on an income of between \$500,000 and \$750,000. Two such returns were filed, the tax paid upon them aggregating \$835,229.

The average net income per return in Oregon is given as \$3347.37. In the United States, the average ran \$3724.05. A total of 33 Oregonians paid taxes on incomes in excess of \$100,000 per year. The state ranks 13th in the income tax that was paid per capita.

## BOGUS COINS STARTED IN CIRCULATION; FAIR CONCESSIONS BLAMED

### Lead Dollars Passed; Sheriff Gets Samples; Conducts Investigation

Counterfeit one-dollar pieces, believed to have been passed by some of the concessionists at the Clackamas county fair, are in circulation.

The appearance of the counterfeit money early Saturday morning, caused an immediate investigation by Sheriff Wilson, and although no arrests had been made by last night, a number of the coins passed, were being traced back to their starting point.

The coins which are being passed are well made imitations of the silver dollar, and they are dated 1873. They are made of a composition, believed to contain considerable pewter alloyed with the lead. They are soft, and can be cut almost as readily as lead. They are light, however, weighing about half of what a genuine dollar weighs, and having very little "ring" when dropped upon a solid counter.

Sheriff Wilson has a number of samples of the spurious coins. Early yesterday morning he conducted an investigation at the fair grounds and apprehended several people, through whose hands the fake money had passed. Their innocence of the affair was established, and further efforts to trace the bogus money were made.

Although he feels certain that the money was started in circulation on the fair grounds at Canby, Sheriff Wilson declines from airing his suspicions in the case. The authorities are still investigating, and have warned people to watch out for the lead dollars.

## Circus Loot Found; Bandits Arrested

Two of the bandits who robbed the Sells-Floto circus Friday night have been shot and captured and police and sheriff's officials at Vancouver claim to have a clew to the identity of the third. The loot has been recovered. It amounted to more than \$25,000.

A theory that there were only two hold-up men and that the third robber was a woman dressed in men's clothes is scouted.

The captives are Bert Orcutt, aged 28, and Roy Moore, aged 35.

**Capture Made at La Center**

They were captured early Sunday near La Center, about eighteen miles north of Vancouver. Both were shot and Orcutt was seriously wounded when they attempted to escape after being ambushed by a posse headed by Chief Deputy Sheriff Steele. It was feared that Orcutt would die, but his wounds were later declared not fatal.

With the two men were Mrs. Roy Moore, aged 25, and Miss Christine Gross, aged 40, and Moore's two daughters, Florine and Edna Moore, aged 13 and 4 years of age.

The women are being held in the county jail.

**Satchel is Found**

The capture followed the discovery of the satchel containing the circus funds on the place of the Kane brothers, farmers who live about three miles from La Center. The satchel was caught in a depression under a log. After finding it, the Kanes and Jerry Riordan of La Center, who accompanied them, returned it in its hiding place and notified Steele at Vancouver.

## PERJURY CHARGES IN ARBUCKLE CASE TO BE PUT UP TO GRAND JURY

### Wife Of Comedian Arrives In San Francisco to Aid In His Defense

SAN FRANCISCO, Cal., Sept. 19.—A grand jury investigation into alleged tampering with witnesses in the case of Roscoe ("Fatty") Arbuckle, the arrival of Minta Durfee, Arbuckle's wife and her first meeting with her husband together with the holding of what amounted to a San Francisco memorial service for Virginia Rappe, were the developments of special interest in the case of the film star today.

District Attorney Brady is investigating reports that the prosecution witnesses have been talked to, and Reggie Morely, former movie actor, and Dr. Gabor Kingstone have been summoned to tell of conversations with two of the witnesses.

**Pastor Defends Girl**

Mrs. Sidi Wirt Spreckels, widow of John D. Spreckels Jr., and a friend of Virginia Rappe, sat just behind the pulpit at the First Congregational church last night and tears fell freely from her eyes as the pastor, Dr. James L. Gordon, expressed his belief that the girl had died fighting for her honor. He had seen her in her casket and arranged for what he said was a memorial service. Mrs. Spreckels had asked him to visit Miss Rappe, but he reached the hospital just after she died.

Appearing in widow's weeds, Mrs. Spreckels presented a sympathetic figure as she wept for her friend, the only mourner in a concourse of 2000 people.

**Anxious to See Wife**

Mrs. Arbuckle's arrival was told the comedian when he awoke today, and he expressed great anxiety to see her, having waited patiently all last night for her appearance, but her train was twelve hours' late.

District Attorney Brady has summoned to his aid Edward O. Heinrich, noted criminologist, who has made a microscopic examination of Arbuckle's suite at the St. Francis hotel, where the Labor day party was held.

## Automobile is Stolen Stenog Plays Detective Missing Car is Found

### Miss Helen Daulton's regular business is being a stenographer. But she might have made a good detective. She is a good stenog. As a detective she is better.

Wednesday Miss Daulton was talking with Pete Long. Long told her the course of conversation that his automobile had been stolen. The machine had been purchased while he was in a local movie theatre, and had left it parked outside. He mentioned the license number—Oregon 54312—the talk drifted to other subjects, and that was all.

Later Miss Daulton started home. She is at present residing with her sister, Mrs. M. D. Latourette, at 6th and High streets. She saw an automobile. The license number looked strangely familiar. She thought of Long, and his stolen car.

She didn't know where to reach him, but had a sudden hunch. She called the O. K. Barber shop. Long happened to be there, undergoing a tonsorial operation.

"What did you tell me the number of your car was?"

"54312."

Eureka!

Long dispatched one of his friends to bring home the missing automobile. The disappearance of the car, and the identity of the thief is not explained. But why worry? The machine has been recovered.

## SOUTH END ROAD IS SAID BIG ISSUE

### LIVE WIRES CONSIDER HIGHWAY OUTLET

#### Commercial Club Body Holds First Meeting of Season

Declaring that the matter of securing an adequate route for the Pacific highway through the southern portion of Oregon City was the paramount issue before the club, Dr. Hugh S. Mount, president of the Oregon City commercial club and chairman of the street committee of the city council, spoke before the Live Wires at their first meeting of the season today.

"Oregon City has a pledge to keep with the people of the state of Oregon," said Dr. Mount in urging immediate action on the matter. "When we voted for the Pacific highway through our town we obligated ourselves to provide a decent route. Now the people of this state have spent millions of dollars to get to our doors, and cannot enter the city on a decent road."

**Routes are Described**

Dr. Mount told of the three available routes; the basin, and Third and Fifth street, pointing out the relative merits and costs of each. That the road should not be built as to conflict with the operations of the industrial corporations was the suggestion of the speaker, who said "that without its industrial payroll, Oregon City would be nothing more than a county seat." He recommended the endorsement of the Live Wires to a tax of 5 mills, to run for 3 to 5 years as necessary to pay for the construction of the road.

Other discussion at the meeting concerning the highway outlet, touched on the need of more streets to handle the traffic on, with L. A. Henderson urging that the opening of Railroad avenue be linked with the proposed route of the highway, which has been endorsed for Fifth street by the city council. L. O. Harding suggested that the highway project should be handled individually, and not considered with the street opening plan.

**Ferry is Talked**

The need of maintaining a ferry across the river here while the new bridge is being constructed was pointed out by Main Trunk Brodie, but no action was taken. The report of the committee on improved depot facilities was read by Wallace Caulfield, chairman, and showed that an order from the public service commission had been secured, ordering the S. P. company to make a number of needed improvements. The street committee, by Ralph Parker, reported that a profitable and successful season had been enjoyed, with many visitors to the grounds. He said that the committee had not yet decided how late in the season to keep the park open.

The meeting, which was the first since the summer vacation, was well attended. Main Trunk Brodie announced that the next meeting would see the quarterly election of officers.

## COUNTY FAIR ENDS; YEAR IS SUCCESSFUL

### FINALS AWARDS MADE ON LAST DAY

#### Finances Satisfactory; No Deficiency Expected By Officials

The fifteenth annual Clackamas county fair passed into history Saturday night, after one of the most successful years since its inception. Record crowds on one day, Friday, eclipsing anything of previous seasons, and the wealth of agriculture and livestock displays, were the outstanding features of this year's show. Approximately seven thousand people were on the grounds Friday, according to the gate keepers' checking, and every show and concession did a cranberry business.

**Airplane Flights Fail**

The airplane that was expected to give daily flights at the fair grounds was unable to effect a landing, due to the high winds from the north and was forced to return to Portland. The fair management hopes to be able to establish a landing grounds at Canby for future fairs, so that flights can be featured.

While the financial check-up on this year's fair has not been completed, unofficial returns have it that the show will pay for itself, and leave no deficiency in the treasury. Gate receipts of over \$3,000 were taken in, and a tidy sum realized from concessions. Premiums to the value of \$1800 were distributed, not counting the juvenile prizes.

**Prizes are Awarded**

On the closing day's program was the issuing of the awards in the stock judging contest and canning contest in the juvenile department, supervised by Mrs. Romney Purcell county club leader. The Deep Creek stock judging team won first prize with 117 points out of a possible 1500, with Mackaburg second, with 1065 points, and Boring third, with 1070 points. The winning team will be sent as the county's representative to the Pacific International stock show in November. The highest individual score was made by Gladys Harms, of the Mackaburg team, who won 440 points. Mildred Anderson, of the Deep Creek trio, was second in the individual scoring, with 400 points. In the canning contest the Damascus team of three girls defeated the team of Oregon City girls and will be sent to the state fair at Salem as part of their reward.

A good portion of the exhibits at the Clackamas county fair are being taken to Greesh county fair as they will be put in the Clackamas county exhibit at the Multnomah county fair, which opens there Monday for a week's run. The exhibit will be in charge of W. B. Cook and Dave Long, who have been very successful in past years with exhibits at the state and other fairs. Cook is county assessor and Long is secretary of the Clackamas county fair. The men will also have charge of the exhibition of Clackamas county products at the state fair the following week.

## CO-OPERATION IS URGED BY DRY OFFICIAL

### SHERIFF WILSON GOES TO CONFERENCE

#### New Prohibition Chief Calls Meeting of Authorities Of Nearby Counties

Reciprocation of effort and co-operation among the various law enforcement bodies of the state, county and federal government are necessary to eliminate the wily still operator and bootlegger, said Dr. Joseph A. Linville, recently appointed prohibition director for Oregon, at a conference with sheriffs of Clackamas, Marion, Yamhill, Polk, Washington and Tillamook counties at Salem Monday.

William J. Wilson, sheriff of Clackamas attended the session, representing this county.

**No Promises Made**

Dr. Linville said it was not the purpose of his office to make any drastic promises at present with relation to the enforcement of the prohibition statutes. He declared his first move would be to confer with the various law-enforcement agencies and, if possible, build up a spirit of co-operation that would prove a continued menace to the well-fore-law violators. With this accomplished, Dr. Linville said, the first real step toward ridding Oregon of the illicit liquor traffic would have been taken.

Dr. Linville explained that his office did not have a large amount of money available for law enforcement purposes and that nine field men comprised his entire force at present. Because of this, he said, it would be necessary for his office to seek the assistance of all county, state and municipal officers.

**Reciprocation Urged**

Reciprocation and co-operation among these agencies, he said, would result in building up a law enforcement machine in Oregon second to none in the United States.

F. B. Mitchell, legal advisor for Dr. Linville, said that, under the state code, he believed automobiles could be searched without a warrant when the officers were convinced that they were carrying liquor in violation of the law. When invading private homes he advised the officers to carry search warrants in compliance with recent legal interpretations of the Volstead act.

Sheriffs present at the conference expressed a desire to co-operate with the state prohibition director and offered the machinery of their respective agencies to assist in bringing violators to justice.

## Breakers of Traffic and Food Laws Fined

Two cases of violation of food laws were tried yesterday before Judge E. J. Noble in the justice court. The Estacada Meat company was fined \$10 and James Brady \$10, for minor offenses.

The judges also fined S. L. Peterson \$15 for speeding, W. H. Dix \$5 for running a trailer without a license and F. C. Reynolds, \$5 for failing to report an accident.

## DIVORCE IS GRANTED

A decree of divorce was issued here today by Judge J. U. Campbell to Mabel from W. H. Thomas.

## Robbery Attempted; Light Scares Bandit

A second attempt to enter the home of Mr. and Mrs. Anton Naterlin at Fourteenth and Madison streets of this city was made Monday morning. The would-be burglar called at 3 o'clock, and attempted to gain entrance through a side window.

In trying to remove the screen Mr. and Mrs. Naterlin were awakened from their slumber and turned on the electric light, thus frightening the bandit.

It is believed by the family that the party trying to enter the house some time ago is the same as the one on Monday morning. A well made trap is now in readiness and there is no doubt on his third visit at the Naterlin home there will be "sings a doin'."

Several weeks ago, while Mrs. Naterlin was home alone, she placed a wash pan filled with tin cans behind the basement door, as an improvised burglar alarm. A man attempted to gain entrance, and pushed over the home made signal, the noise awakening the family and neighbors, and scaring off the intruder.

## Gardner Hunt Off; No Trace of Bandit

McNEIL ISLAND, Wash., Sept. 13.—The regular routine of the federal penitentiary was resumed here today after two weeks' futile search for Roy Gardner, escaped California mail bandit.

Warden Thomas Maloney, after releasing all special officers engaged in the hunt, has called in his regular guards.

The fleet of patrol boats is anchored at the prison docks.