

# OREGON CITY ENTERPRISE

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OREGON CITY, OREGON, FRIDAY, JULY 7, 1922.

ESTABLISHED 1866

## RUSSELL HECKER FOUND GUILTY OF BOWKER MURDER

"Guilty of murder in the first degree," was the verdict brought against Russell Hecker here Saturday. After deliberating for 59 minutes, the jury which was trying him for the slaying of Frank Bowker, Portland musician, returned a finding upholding the indictment for the crime committed at Clackamas station Easter Sunday last. Under the verdict Hecker must hang. Hecker, standing before the bench to hear the verdict, sank into a chair. For a moment he sat as if stunned, then slowly let his head sink into his hands. But he didn't cry. Down stairs, his mother, whose face had grown more haggard as the trial progressed, went into hysterics. Her shrieks, which filled the aged courtroom, did not stop until a physician was called. Almost unconscious, the woman was removed to a hotel room, where she was given immediate medical attention.

**Sweetheart Despondent**  
Nellie Laimhart, Hecker's sweetheart, shrieked with grief upon being informed of the verdict. Later, in the sheriff's office, she lay despondent in the arms of the 24-year-old youth who next Wednesday will hear from trial Judge Campbell the sentence for his crime, for which the jury made no recommendation of leniency.

Hecker's father, who had sat at the boy's side during the entire trial, was stunned by the verdict. For an instant his color blanched, but with a set expression he turned and laid his hand upon his son's shoulder. The defense immediately will move for a new trial, Thomas Ryan, one of the attorneys, stated. A two weeks' interval for the perfection of the necessary legal detail has been allowed by Judge Campbell.

**Argument is Limited**  
The case was sent to the jury at 3:37 o'clock Saturday afternoon. The arguments of the attorneys, limited to two hours on a side, consumed the morning and part of the afternoon session. Judge Campbell's instructions to the jury were brief, outlining the general terms of the law and the constitution of the four verdicts which could be returned, varying from first degree murder to manslaughter.

The opening argument for the prosecution was made by George Mowry, deputy district attorney of Multnomah county. A plea for either the capital sentence or a complete vindication was made by the state in support of the contention that the crime was premeditated and committed in cold blood. The position of the bullet wound in the back of the head, the condition of the body, the sinking of the corpse in the Calapooia, the borrowing of a pistol and the purchase of a hop sack were dealt on by the attorney as evidence of murderous intent, also the fact that Hecker's commission on the bootleg deal was to be small, and his taking of the money from Bowker's pockets.

**Stipp Closes Argument**  
Livy Stipp, district attorney in charge of the prosecution, gave the closing argument for the prosecution. He covered the entire ground of the prosecution's statements, showing the corroboration of the state's story with that of the story told by Hecker, except the minor detail of the struggle, introduced as self defense.

Gayle S. Hill and Gilbert Hodges, attorneys for the defense, conducted the closing arguments. The boy's story of the sinking of the body in the Calapooia and the other inexplicable actions, were results of the panicky state of mind of the lad after the crime. They drew at length upon the intent of both Bowker and his brother Albert to accompany Hecker on the trip after the murder, stating that this bit of evidence was proof that the Bowkers had intended to rob Hecker's friend of the liquor and that it was their intent which was premeditated rather than that of the defendant.

The trial of Hecker for the offense on April 16 opened here Monday last. Its completion marks the end of one of the most interesting and mysterious cases in the criminal history of this district. Bowker was discovered to be missing. There followed the location of the bloody car and the surrender of Hecker by his attorney. A trip to locate the body was made by the defendant, his father, and attorneys and the officers. Even the police, directed by the elder Hecker, did not know where they were going. Stopped at the Calapooia, they were shown the spot where the corpse had been pushed over. But no body was located.

## STATE HIGHWAY BODY TO MAKE EXTENSIVE TOUR

SALEM, July 1.—On July 6 members of the Oregon state highway commission will leave Portland on an extensive trip, the chief feature of which will be a joint meeting of the Oregon and California commissions at Crescent City, Cal., on July 10. The gathering will be held under auspices of the Roosevelt Memorial Coast Highway association and will have for its purpose the creation of a permanent organization for development of highways on the entire West Coast. Problems in connection with the Roosevelt Coast highway will have chief consideration.

## 20,000 RAINBOW TROUT PLANTED IN 2 STREAMS

M. A. Elliott, of this city, today planted 20,000 rainbow trout in the Molalla river and Milk creek, conveying the fish to their destination by automobile truck. In order to meet the necessary expense of conveying these fish to that stream some of the sportsmen donated towards the cause. These are as follows: E. P. Elliott, \$1.00; M. A. Elliott, \$1.00; James S. Manning, \$1.00; Jones Drug Company, \$1; E. J. Nobles, \$1.00; John A. Weber, \$1.00; Jack Bannon, \$1.00; Frank Busch & Sons, \$1.00; W. Schwoch, \$1.00; C. G. Miller Company, \$1.00; O. A. Pace, \$1.00; Huntley Draper Drug company, \$1.00; Dr. W. Ross Eaton, \$1.00; Price Brothers, \$1.00; George H. Lennox, \$1.00; Bruno A. Weber, \$1.00; Dr. J. G. Nash, \$1.00; E. L. Johnson, \$1.00; C. W. Friedrich & Son, Hardware Store, \$1.00.

The trout were taken from the United States government fish hatchery at Clackamas Station, and all were in good condition.

This makes the tenth year that Elliott has deposited the fish in these streams, making in all over 300,000 trout. He is well posted on the various streams of the county, and is one of the most enthusiastic anglers of the state.

## TEN PER CENT MAY BE GIVEN BANK DEPOSITORS

SALEM, June 29.—Dividend checks for 5 per cent of the total deposits in the defunct Bank of Jacksonville are being prepared by the state banking department for distribution among the depositors of the institution, according to F. C. Bramwell, state superintendent of banks.

This is the first dividend to be declared since the bank was closed in August, 1920, and Bramwell states that he does not expect the total saved to the depositors out of the wrecked bank will exceed 10 per cent. Checks in the first dividend will aggregate approximately \$12,000, out of a total of \$250,000 in deposits.

## 5 YEAR OLD GIRL KILLED BY WOMAN HATING LIFE

DOYLESTOWN, Pa., June 29.—Hating life and preferring prison to liberty without being able to wear pretty things, Emma Mack, 26, and crippled, dragged herself twenty miles over country roads to the jail here and surrendered to answer to the charge of killing a 5 year old girl by giving her poison tablets.

"I don't deserve any pity," she cried after confessing her deed to the jailer. "Send me to jail for life, lynch me, shoot me, kill me; I don't care."

## MAN DROWNED IN WILLAMETTE AT JENNINGS LODGE

Robert Spicer loses life in plunge from boat; efforts to resuscitate victim of water prove to be futile.

## BODY IS RECOVERED WITH LITTLE DELAY

Corpse Is Brought Here By Coroner Pace; Is Sent To Portland To Await Burial.

Roger Spicer, 30, was drowned in the Willamette river at 5:30 o'clock Tuesday afternoon. The accident happened just across from the island at Jennings Lodge. Spicer with some Portland friends were in a boat and the man who was in swimming dove from the craft. The body was recovered almost immediately. Dr. Edward McLean was called. All efforts at resuscitation were futile. Spicer's home was in Cela, Washington, where his mother was living. He was unmarried. Spicer had been working at a garage in Portland.

The body was taken in charge by Coroner O. A. Pace and sent to a Portland undertaking establishment pending the funeral services in that city.

## ACTION UPON ROOSEVELT HIGHWAY NOW ASSURED

Washington, D. C.—After a conference with Forester Greeley, Representative Hawley announces that three units of the Roosevelt highway in Oregon are to be constructed this summer through forest reserves.

The first is from Tidewater bridge to Waldport, in Lincoln county, eight miles, at a cost of \$100,000. The second will be from Brush creek to Mussel creek, in Curry county, six miles, at a cost of \$150,000. The third south of Newokin, in Tillamook and Lincoln counties, 20 miles, will cost \$300,000.

This last unit has not yet been formally acted upon, it was said, but is practically certain of approval and the money is being reserved for it. This makes a total of 34 miles. In addition, there will be constructed 14 miles of road in Jackson county, from Trail to Prospect and on the Crater lake road, at a cost of \$300,000, and from Eugene to Florence, between Rimrock and Blacky, 24 miles of road, at a cost of \$300,000. All are co-operative projects.

Construction of the Roosevelt highway between Hebo, in Tillamook county, and Siletz, in Lincoln county, which will cost practically half a million dollars, was one of the agreements of the state highway commission. Another section of the Roosevelt highway to come in for attention is the Sixes section, north of Port Orford, in Curry county.

The Roosevelt highway work in Tillamook and Lincoln counties will be participated in by the counties, the state and the forest department.

## STORY OF OLD PIONEER OF COUNTY COMPLETED

Life of Samuel K. Barlow Is One of Interesting Bits of History of This District.

With the celebration of the centennial of the founding of Oregon City being talked and definite plans under way for the staging of a historic pageant here, the history of the pioneers of this district is assuming added importance. A sketch of the life of Samuel K. Barlow, one of the early pioneers of Clackamas county, has been completed for the Clackamas County Pioneer Society. It follows:

The family history of Samuel Kimbrough Barlow is not known farther back than seven generations from the present. A tradition in the family states that the blood of Bruce and Wallace was in their veins. By marriage, they become Scotch-Irish and Welch.

John Barlow, the earliest known in America, came from Scotland long before the Revolutionary War and settled in Old Virginia. Many in the family claim that he became a captain in the Revolution but the contention can not be substantiated. The Barlows were known to be Quakers and that fact rather contradicts the claim. They certainly were loyal Americans and hated George the III and his followers, as the following incidents will affirm: John Barlow's oldest son, William, was one day accused for not giving up the whole road to an English red-coat. The order was promptly disregarded and in the battle of tongues and vehicles which followed, the result was disastrous to his royal highness, cutter, horses and all going over in the snow. Courtesy prompted the American to set the Englishman on his way which he accepted without further parley or demands. Soon after, another son, failing to salute a king's officer was summarily ordered to do so. The Salute took the form of a blow which laid the officer low in the dust of the road. He was assisted to arise and told to give orders to members of his own command, if he wished them to be obeyed. After these affairs, it was thought the better part of valor for this generation of Barlows to follow Daniel Boone into Kentucky.

**Famous Inventions Made**  
Milton Barlow, another son of John Barlow, was a gunsmith and manufacturer not only some of the best Kentucky rifles but was the inventor of a planimeter which was used in teaching astronomy in many schools of the country; he also made a bold attempt at a mono-rail track which was demonstrated with success on a circular railway. He was also said to be the inventor of the Barlow knife, the first that could be closed with a hinge and carried in a pocket.

William Barlow, the oldest son married Sarah Kimbrough of Welch descent and Samuel Kimbrough, James, John and Martin were their sons. John was with General Jackson at New Orleans as master armorer. James was also in the service, but Martin and Samuel were store-keepers.

There is no record of these two brothers taking part in the war of 1812. Though both were Quakers, they paid their war tax as well as that of many other Quakers. In some mysterious way, the brother Quakers never let the Barlows lose a cent, often leaving money, corn or tobacco in the store and never referring to the subject of taxes or payment.

Samuel Kimbrough Barlow was born January 24th, 1792 in Nicholas county, Kentucky. He made good use of his liberal education and supplemented it.

## DIFFICULTIES OF ROAD BUILDING ARE PICTURED

The most difficult road building in the United States—the construction of good highways through the National Forests of the West—is shown in a new United States Department of Agriculture motion picture, "Highways and Sky-roads." The picture, reported, turned this wrong way in coming toward Oregon City and ran down the railroad track. The occupants succeeded in getting out of the machine before it was hit by the train. The car was badly damaged.

"The old frontier has gone, never to return," says the film at its opening, just preceding a scene showing the grave of Buffalo Bill on Lookout Mountain overlooking Denver. A contrast is drawn between the old prairie schooners and pack trains, of days gone by, and the motor cars of today. Surveying on high mountains, and in narrow canyons, blasting, grading, and surfacing are pictured, and at the end some of the finished highways leading over the Continental Divide are thrown on the screen.

## SPRIT OF FOURTH IS PAID HOMAGE THROUGHOUT COUNTY

8 Communities Hold Special Independence Day Program. Picnics are Feature at Many Observances; Talks Given.

## BIG CROWDS ATTEND HAWLEY PARK AFFAIR

Brush Blaze Started by Fire Cracker Rages Hour Without Doing Serious Damage.

Eight celebrations were held today in Clackamas county, all of which were largely attended. There were over 2000 people at the Hawley Automobile park, when the A. F. and A. M. Lodge of Portland had charge of the day's program. One of the big features was the drawing of the automobile, the drawing taking place at 5:30. Tickets at the gate entitled the bearer a chance in the drawing. Some excitement was caused at 5:30 o'clock when fire was started on the edge of the bluff of the park by firecrackers, necessitating the call of the fire department, raging for about an hour.

Dancing was a feature of the day, when an orchestra furnished the music for the occasion. The cars from Portland were laden with picnicers who remained for the evening. There were about 7000 people attending the patriotic exercises at Gladstone park, and among the features that drew a large crowd in the afternoon was the baseball game between Carus and Molalla. Beaver Creek's community picnic was attended by a large throng. Two baseball games were enjoyed, and there was enthusiasm during the games. A dance this evening closed the festivities of the day.

New Era had a celebration, the first in years, when the Warner Grange planned and carried out an excellent patriotic program. The orator of the day was Judge Grant B. Dimick, who made an eloquent address. There were patriotic songs and readings that also delighted the audience. Over 500 people attended the exercises, which were held on the camping ground.

The third day of the round up today brought another big crowd, when Oregon City and Portland were largely represented. Many went by automobiles, while a large number went over the Willamette Valley Southern Railway, making special trips. The crowd today was a record breaker.

Maple Lane's celebration was largely attended. A patriotic program was given. A large number from Oregon City went to Sandy to spend the Fourth.

## REDUCTION IN FARE PORTLANDERS ASK HISTORICAL SOCIETY

SALEM, M. June 30.—Declaring that "8 cents is too much for a 5 cent ride," the Housewife's council of Portland today filed with the public service commission a demand for a downward revision in streetcar fares charged by the Portland Railway, Light & Power company.

The demand is presented in the shape of a formal complaint against existing rates in the city of Portland and is signed by Josephine Othus as president, and Rose S. Young, secretary of the council, with Edwin M. Cousin appearing as attorney.

The complaint charges that the 8 cent fare now exacted from patrons of the Portland street railway lines is "unreasonable, excessive and unjust and therefore unlawful and that reasonable and just fares and charges for the aforesaid transportation of passengers would not exceed 5 cents per passenger."

New petitions pertaining to the establishment of a union high school in Canby will be distributed by County School Superintendent Brenton Vetter, covering twelve districts. Heretofore when similar petitions were distributed fourteen districts were included, but two have been dropped. This is owing to the fact that a number of the residents did not desire to sign for the proposed institution.

Among the districts where petitions will be distributed will be District No. 86, Canby; No. 18, Mindoro; No. 20, Macksburg; No. 73, New Era; No. 81, Union Hill; No. 22, Oak Lawn; No. 38, Mark's Prairie; No. 60, Union Hill; No. 63, Central Point; No. 91, "Ninety-One"; No. 97, Barlow; No. 116, Lone Elder.

These petitions are to be sent to each clerk of the twelve school districts with the request that notice given each school board that a special election will be held. The election will be held at the usual voting places in each district on August 9th, 1922, from 7 p. m. to 9 p. m. The question of uniting said school districts for high school purposes only, thus forming a union high school district.

The high school building is to be located on a certain tract of land donated by D. G. Clark and others. The tract being situated in district No. 86, and the school board of District No. 86 has agreed to furnish sufficient room to take care of all high school students for a period not exceeding two years.

At a meeting of the committee held at the Canby gymnasium on Thursday evening those in attendance were enthusiastic over the campaign. The committee is to visit the twelve districts to talk in the interest of the proposed union high school. A number of the outside districts were represented at this meeting, which was presided over by County School Superintendent Vetter. Similar meetings will be held previous to the election in August.

A large number from Oregon City went to Sandy to spend the Fourth.

## 3,438 TRACTORS SOLD TO CANADIAN FARMERS

A total of 3,438 tractors were sold in the Prairie Provinces of Canada during 1921, according to a report received by the Department of Commerce from Consul General Britain, Winnipeg. Of these, 1,057 were sold in the province of Manitoba, 1,655 in Saskatchewan, and 725 in Alberta. This represents sales of new machines only, in all sizes, the largest proportion being included in the two classes from 6 to 12-horsepower, and from 10 to 20-horsepower. A limited number of machines of from 14 to 25-horsepower and 16 to 32-horsepower was sold.

These figures indicate a very marked decrease as compared with tractors sold in 1920. The number of machines sold in 1921 is slightly over 33 per cent of the total number sold in 1920. The decreased sale is accounted for largely by the depressed condition in the market for agricultural implements, and not to any deficiency in the operation of the tractors themselves. It is estimated that in 1921 there were 35,000 tractors in Western Canada, of which the total value was \$24,250,000. The average number of days during which each tractor was operated in 1921 is given as 22 days, which is about 21 days less than for 1920. This is accounted for largely by the limited amount of new ground that was broken in the past year.

The prospects for 1922 are much improved, but in many instances the farmers, as a result of the depression of last year, are unable to find sufficient capital with which to purchase new tractors. The farmers who are using tractors are well satisfied with them and there is no doubt but that the use of tractors will continue to increase.

## NEW TRIAL ASKED BY 7 DOCTORS IN MOUNT LABEL SUIT

Motion Filed In Case Here Is Based on Plea of Prejudice And Finding of Additional Evidence, Said Suppressed.

## IMPROPER CONDUCT OF JURORS CHARGED

Effort to Break Verdict For \$20,000 Is Commenced By Attorneys; Action Waits.

Based upon claims of prejudice and the discovery of new evidence, claimed to have been suppressed by the plaintiff, the seven defendant doctors in the so-called Mount Label suit, Saturday filed a motion for a new trial. The case, heard in the circuit court here resulted in the awarding of a \$20,000 verdict to Dr. H. S. Mount against Dr. A. Welsh, M. C. Strickland, A. H. Huycke, C. H. Meisner, Ross Eaton, C. A. Stewart and George Stuart. The action was for \$50,000 based on a libelous publication made to the county court.

The motion for the new trial, among the 119 reasons set forth in the voluminous document, claims that three of the jurors in the case were guilty of misconduct during the trial. Affidavits in support of this contention are attached, stating that certain of the jurors openly discussed the action while it was pending and expressed either a preference for one side of an antipathy toward the other.

It is also contended that some of the jurors were personally hostile toward the defendants, and had admittedly preconceived opinions. None of the jurymen were Mount's patients at the time of the trial, as it is alleged that some of the jurymen were personal friends of the defendants, the motion claims. It further states that only nine of the 12 signed the \$20,000 verdict and that one of their number was in favor of giving the plaintiff only \$250 but voted for the larger amount because he wanted to get rid of the case and go home.

The claim that the verdict is excessive is substantiated by affidavits from the defendants, claiming that five of them are worth less than \$5,500 each.

Misconduct of the plaintiff is charged in the "suppressing of the report of Dr. Menne, a pathologist whom he employed to hold a post mortem on the body of Alex DeFord, which report sustains the contention of the defendants and discredits the contention of plaintiff as to the cause of death." In the communication to the county court, the defendants claimed that Dr. Mount's diagnosis of DeFord's death was incorrect and the medical issue became one of the principal points of the trial. Dr. Menne who performed a post mortem, was east, and could not testify, the plaintiff claimed, as to his findings. The defense objected that no deposition had been presented and contends that Menne's findings substantiate their claim.

The motion contends further that the attitude of Judge R. G. Morrow, who heard the case, being of the opinion that he would set aside anything but a substantial verdict. Affidavits to this effect were obtained from the jurors. It is also alleged that the jurors were influenced by the belief that if a substantial verdict were not returned the plaintiff would lose his license to practice medicine in the state.

Want of evidence to sustain any claim for punitive damage is also alleged, together with the statement that the amount of \$20,000 would practically double the capital of the plaintiff and bankrupt five of the seven defendants.

The motion for the trial is to be argued before Judge Morrow of Portland, who sat on the case here.

Earl C. and C. D. Latourrette and E. B. Tongue, and Grant B. Dimick, are the attorneys for the defense.

## FORMER K. K. K. HEAD IS FOUND GUILTY BY JURY

BAKERSFIELD, Cal., June 30.—John H. Vitelle, former exalted cyclops of the Taft Ku Klux Klan, was found guilty on an indictment, charging him with assaulting Dr. Dwight H. Mason of Taft by beating him with ropes by a jury in the Kern county superior court tonight after more than four hours' deliberation.

He was acquitted of a charge of assault with intent to commit murder and the jury disagreed on the charge of assault with intent to do great bodily injury by hanging. The third indictment on which Vitelle was convicted is punishable by from one to ten years in prison. Vitelle will appear in court for sentence Monday.

THEY MIGHT SERVE  
The florist says "Say it with flowers," the candy man wants you to say it with candy, the jeweler advises you to say it with pearls, but, strange as it may seem, Heinz doesn't suggest that one ought to say it with pickles.

## BARLOW MAN INJURED WORKING ON BRIDGE

Robert Tremayne, of Barlow, employed on construction work on the new suspension bridge in this city, met with an accident a few days ago, when a splinter about three inches in length penetrated the arm and when striking the arm bone the point broke. The young man was removed to Oregon City hospital, where an operation was performed and the splinter removed.

Tremayne, who is a son of Mrs. Anna Tremayne of Barlow, was able to leave the Oregon City hospital the latter part of the week, and is now recuperating at the home of his uncle and aunt, Mr. and Mrs. Hal Lindsay, of Beaver Creek.

## SUIT TO COLLECT \$256 FILED IN CIRCUIT COURT

Mrs. Nina Taylor has brought suit in the circuit court of Clackamas county against Garfield Schwartz for the sum of \$256 and costs. Injuries have been received by her nine-year-old son, Samuel Taylor, who was struck by an automobile owned and driven by Schwartz, while the lad was crossing the Abernethy bridge in the northern part of the city, on May 26, 1922.

Russell Hecker, on the witness stand Friday morning, admitted the killing of Frank Bowker, Portland musician. In a heated argument, Bowker threatened to kill him. Hecker told the jury, and he was forced to. (Continued on page five.)