

OREGON CITY ENTERPRISE

FIFTY-SIXTH YEAR NO. 40.

OREGON CITY, OREGON, FRIDAY, OCTOBER 6, 1922.

ESTABLISHED 1866

LIVE WIRES TABLE ACTION ON RECALL OF JUDGE CROSS

Move To Appoint Committees To Probe Issue Rejected; Merging Of Organization And Commercial Club Hit.

CITY HALL LOCATION EVOKES DISCUSSION

Group Will Be Named To Aid Council in Selection of Two Sites To Be Put On Ballot.

The Live Wires of the local commercial club will take no part either pro or con, will make no effort toward the investigation of the merits of the projected recall of county Judge, H. E. Cross, the organization will aid in picking both an uphill and down town site to be placed on the ballot at the coming election, and will take no steps toward the merging of itself with the Oregon City commercial club proper.

These things were decided Tuesday noon at the regular luncheon meeting. A resolution, providing for the appointment of a committee to "investigate the charges against Judge Cross, and investigate the proposed recall candidate, Fred D. Shank, and report their findings to the organization so that it might properly face the situation," was immediately voted down unanimously and without discussion.

The question of the site for the proposed city hall evoked a fire of comment. A resolution was introduced, providing for the appointment of a committee of three to aid the council in the selection of a downtown site. City Recorder, Charles Kelly, objected to the motion to table the resolution, scoring the Wires for refusing to take action on an important matter. O. D. Eby interposed with the suggestion that the matter was not one for the Live Wires primarily, and that having been so often discussed it was one now well left in the hands of the city council.

Chris Schuebel proposed that the resolution be amended to read that the committee aid in picking both an uphill and downtown site and put the best possible in both cases upon the ballot.

L. A. Henderson objected, saying that the Wires had endorsed the downtown location and that no action which would be contradictory in this regard should be taken.

L. A. Morris, in support of Schuebel's contention pointed to the possibility of the electors deciding upon an uphill location and urged the selection of the best possible hill site.

"You're bum politicians," insisted A. G. Beatie. "If you want to get the city hall down town, pick a poor hill location."

Putting the motion to a vote, Main Trunk Price pointed out that previous actions of the Wires had favored the downtown location. A second vote, with a division of the house was necessary on the question, the amended resolution, providing a committee to aid in selecting both sites, was passed.

A resolution providing for the merger of the commercial club and the Live Wires was taken from the table where it had rested for the past two weeks. Sentiment generally favored the keeping intact of the Live Wires organization as against the merger under the direct control of the commercial club itself. The plan was devised following agitation last spring for the organization of a more effective means of administration of Live Wires business and the merger plan was presented. In the discussion it was pointed out that the Live Wires enjoyed both a local and state wide reputation and that any charges which should be made should be to strengthen the present organization rather than substitute an entirely new plan. Touching upon the attendance, Lily Stipp pointed out that the special attractions at the regular meetings always drew good crowds and that the solution of the problem rested in the presentation of more interesting subject matter for discussion or the bringing of speakers to the club with a message of wider appeal.

RACE FOR RECORDER'S OFFICE NOW 4 HANDED

R. E. Woodward, who for the past two weeks has been groomed as a candidate for city recorder at the coming November election, has formally filed his petition of candidacy. The race for the recordership yesterday loomed as a four sided affair when the entry of Woodward into the contest.

The other three who are running for the job are W. Kelly, present incumbent, J. K. Morris and J. H. Litzberg.

CLERKS OFFICE TO OPEN ON REGISTRATION EVE

October 7 Is Last Date; Later Period for Filing Allowed Candidates; Dates Listed.

The office of the county clerk will be open until eight o'clock on the evening of October 7, the last date for registration of voters before the November election. The special arrangement was made by County Clerk, Fred A. Miller to accommodate those who cannot call at the court house at regular hours.

Although October 7 is the last day for registration, the law allows until October 12 for the filing of independent candidates for county offices. Several petitions are expected to be filed before that date.

The filing of the recall petition to oust Judge H. E. Cross cannot be placed before October 14 in order to hold the election in conjunction with the November general election. If it is filed later than October 18, although it will still be incumbent upon the clerk to call a special election, it cannot fall on the date of November 7. After the filing of the petitions, five days are allowed for the resignation of the officer attacked, in case of a refusal of the writ for the election being issued.

The final date for the filing of petitions for city offices is noon, November 1, as the law requires that they be filed by noon of the Wednesday preceding the election. Four councilmen's chairs are to be filled and as yet there have been no filings for these offices; Recorder, city attorney, treasurer and mayor are also on the list, the recorder's office being the only one so far contested.

TAXPAYER LEAGUE BILL IRKS LABOR FEDERATION

SALEM, Sept. 29.—A resolution declaring that the proposed income tax amendment, sponsored by the state Taxpayers' league, was "intended for the obvious purpose of confining the voters and killing the grange income tax measure," was adopted by the Oregon State Federation of Labor, in session Thursday.

The resolution points out that adoption of the proposed amendment "will throw more of the burden of taxation on the small wage earner," and calls upon organized labor to lend its forces to opposition of the measure.

The convention also went on record as opposed to any movement which sought to destroy the direct primary and bring about the return to the old convention system of nominating candidates for political office.

The bitterest fight of the convention was waged around a resolution introduced by the soft drink dispensers urging modification of the Volstead act and a return of "Wholesome beer and light wines." The resolution was adopted by a vote of 35 to 27, with 21 delegates absent, after an oratorical exchange replete with personalities which consumed most of the afternoon.

A resolution proposing an amendment to the state compensation act, making acceptance of its provisions compulsory upon all employers was adopted by the convention. Should the legislature fail to pass such an amendment steps will be taken to place the question before the voters through the medium of the initiative. State insurance, as administered under the Oregon act, was highly preferable to the protection offered by casualty companies, it was pointed out by supporters of this resolution.

ROAD WORK DEPENDANT UPON TYPE OF COUNTRY

Various types of Federal-aid roads are built in different sections of the country. According to the Bureau of Public Roads of the United States Department of Agriculture, this variation is due largely to availability of materials, volume of traffic, and climatic conditions.

The 18,299 miles of Federal-aid road completed on July 31 has been distributed among the eight major types of construction as follows: Gravel, 2,528 miles; sand-clay, 2,222 miles; gravel, 7,013 miles; water-bound macadam, 456 miles; bituminous macadam, 654 miles; bituminous concrete, 699 miles; concrete, 3,350 miles; and brick, 287 miles.

In the group of States composed of Washington, Oregon, and California, the 1,125.2 miles completed has been distributed as follows: Graded and drained, 248.4; gravel, 498.3; water-bound macadam, 25.6; bituminous concrete, 56.4; and concrete, 296.5. Bridges completed total 2.3 miles in length.

The total mileage completed in each state is as follows: Washington, 359.1; Oregon, 462.5; and California 305.5. In addition the mileage under construction or completed and final payment not made is as follows: Washington, 17.4; Oregon, 29.6; and California, 435.8.

MATT WALKIRCH IS RELEASED ON TECHNICALITIES

Habeas Corpus Proceedings In Circuit Court Result In Freeing Of Moonshiner; Campbell Gives Opinion.

POWERS OF JUSTICE COURT ARE OUTLINED

Reincarceration Upon Former Sentence Is Held Illegal After Time Limit Expires.

Matt Walkirch, sentenced by Judge E. J. Noble to serve 166 days sentence to complete a term from which he was paroled, yesterday walked out of the county jail a free man, following a hearing brought in the circuit court to test the legality of his incarceration.

The decision of Judge J. U. Campbell which released Walkirch, was upon the basis that parole power is not vested in the justice court and that the expiration of the total sentence passed upon Walkirch automatically released him from custody, regardless of the further action upon the part of the lower court.

On December 8, 1922, Walkirch was convicted on a moonshining charge and sentenced to 90 days in jail in addition to a \$400 fine he was to serve 290 days, but after serving 34 was released upon parole. He was subsequently arrested on a similar charge but found not guilty by a justice court jury. Judge Noble then revoked the parole and ordered Walkirch committed for the remaining 166 days of the sentence.

Last Sunday the period of the original sentence expired and J. E. Hedges, attorney for Walkirch, applied for a writ of habeas corpus. On this hearing, Judge Campbell held that the justice court had exceeded its authority in the matter of the parole, and the defendant was released.

CHANGE OF PLEA FAILS TO CUT DOWN SENTENCE

R. H. Littlefield Fails To Get Leniency Upon Appeal to Circuit Judge Campbell.

R. H. Littlefield, arrested two months ago on charges of illegal possession of liquor, will serve the sentence imposed upon him by the justice court, despite appeal to the circuit court, which ended Friday. Littlefield appealed from the verdict and sentence of Judge E. J. Noble, and the hearing of the case was set by Judge Campbell in the circuit for Monday.

Friday Littlefield changed his plea guilty, and a plea for leniency was entered. Judge Campbell, however, handed out the same sentence as given in the lower court, a fine of \$350. In default of the fine Littlefield Monday will begin to serve the sentence out in the county jail, which will amount to 175 days.

Littlefield was arrested at his ranch three miles south of Milwaukie by Deputy Sheriff Long and Hughes and Constable F. E. Lowe.

STATE LOSES SUIT FOR ROYALTY ON PAVEMENT

SALEM, Oct. 2.—The state highway commission lost a decision in federal court this morning for \$18,635.25 but the full effect of the decision may total \$180,000 in cost.

The case was that of Warren Bros. against Oskar Huber for 25 cents a yard royalty on 74,541.7 yards of bituminous paving, known commonly as Warrenite. The contract was taken by Huber from the state highway commission without the inclusion of the highway since the commission desired a test case to determine if the Warren company was really entitled to the royalty. Huber was guaranteed in his contract that the commission would intervene and care for the judgment in case of suit.

In announcing his decision this morning Federal Judge Ban said that he had read the record and brief in the case with great care and was unable to dissent from the numerous decisions of a like nature in other states where commissions had fought the so-called "paving trust."

Richard Montague, attorney for the Warren company, said that settlement of this suit would probably adjudicate other claims of his clients against the commission.

In the past eighteen months the Warren patents have expired and the claims lie between the time of the decision of the commission to fight the royalty and the date of expiration of the patents.

JERSEY, SOLD FOR \$75, SWEEPSTAKES WINNER

Cow Owned by D. W. Heppler Big Prize Winner at Fair; Grand Champions Defeated.

SALEM, Sept. 30.—(Special).—Clackamas county won fourth place today in the boy's and girl's club work canning contests.

SALEM, Ore., Sept. 29.—A Jersey cow purchased by its present owner for \$75 walked out of the prize ring at the state fair yesterday winner of sweepstakes honors over four other grand champions representing the milking Shorthorn, Holstein, Guernsey and Ayrshire classes. Edith's Oxford Lass, exhibited with three heifer calves, is a 2 year old grand champion owned by D. W. Heppler, of Aurora, who bought her originally from A. D. Gribble, another Aurora Jersey breeder of the fair.

MUSCLE SHOALS PLAN ENDORSED BY FARM GROUP

Chester H. Gray, Director Of National Organization Talks To Local Executive Committee; Plan Outlined.

GOVERNMENT USE OF PLANT TO BE SHUNNED

Project Classed as Primarily One of Reclamation; Need For Fertilization Shown.

The Muscle Shoals nitrate plant tender made to the government by Henry Ford, was endorsed last night by the Clackamas County Farm Bureau federation, at a special meeting, at which a resolution was adopted favoring the Ladd bill now pending before both houses of congress.

The matter was presented to the executive committee of the farm bureau by Chester H. Gray, director of the American Farm Bureau who is at present touring the country in the interests of the operation of the Muscle Shoals plant. The farm bureau also declared itself against the scheme of government operation of the plant.

"The project," explained Gray, "is one of reclamation, as truly as the turning of water into the fields for irrigation is reclamation work. At Muscle Shoals the plan is to take water power, and use it to create nitrate, which as fertilizer will have a large part in the reclamation of the unfruitful and falling soil in the country."

Gray and Colonel Worthington were the two men who were responsible for interesting Ford in the Muscle Shoals plant, and who urged him to enter a bid for the operation of the industry. Following the government's request for tenders for operating of the plant, it was upon the presentation made by Gray and Worthington that Ford and his engineers investigated the project Ford's offer, now in congress, followed.

The farm bureau federation here last night also recommended to the county court the appointment of H. W. Kanne, Portland Route 5, as a member of the budget committee which will make up the schedule of expenditures for the county for the coming year.

Outlying Districts To Give Major Part Of Recall Support

Petitions for the recall of County Judge Harvey E. Cross will secure the major portion of their support in the outlying districts, according to the indications current at present.

S. T. Edmiston, a member of the recall committee yesterday stated that in two precincts in the southern end of the county which he had canvassed only four of the registered voters had refused to sign. Edmiston stated that every registered voter in these precincts had been approached.

The petitions in Oregon City, it is understood, are not receiving the same general support and signatures are being secured with difficulty on Main Street, it is said.

Oak Grove Couple Get License To Wed

A marriage license was issued during the week end to Joseph D. McAllister 24 and Lois Ball, 17, of Oak Grove.

CONVENTION OF COUNTY C. E. TO BE IN GLADSTONE

October 6, 7, 8, Is Selected As Time For Sessions; Christian Church Will Be Devoted to Gatherings.

100 DELEGATES ARE EXPECTED AT MEET

Elaborate Program Prepared For Occasion; Purpose Of Organization to be Topic.

The eighth annual convention of the Clackamas county Christian Endeavor union will be held at Gladstone, October 6, 7, and 8. The sessions are to be held in the Christian church. More than 100 delegates from over the county are expected to be present at the affair and an elaborate program for the three day period has been arranged.

The complete program for the sessions follows: Friday Evening Rally—7:00, Registration Period, Miss Margaret Baker; 7:30, Song Service, Miss Clara Tate; 7:45, Quarterly Rally, Miss Margaret Baker; 8:45, Announcements; 8:50, Social Hour.

Saturday Morning Convention—8:30, Song Service; 8:45, Devotional, Rev. H. G. Edgar; 9:15, Conferences; Pray. Meeting, Rev. G. E. Williams; Missionary, Rev. G. E. Williams; Social, Miss Viola Ogden; Lookout, Miss Viola Ogden; 10:45, Business Session and Reports, Miss Clara Tate; 12:00, Lunch.

Saturday Afternoon—1:30, Song Service and Devotional, Rev. E. C. Farnham; 2:00, Keynote Address; "Visions of Better C. E.," Mr. G. Evert Baker; 3:15, Junior Demonstrations; 3:30, Intermediate Session, Mr. Hilbert Holloway; 3:45, Recreation Period, Mr. Hilbert Holloway; 6:00, Banquet (Pepp and Budget).

Saturday Evening—7:45, Song Service; 8:00, Election of Officers; 8:20, Address on Christian Endeavor World, Mr. W. D. Guy; 8:30, Address "Living in Better Christian Endeavor," Mr. Clive Sals.

Sunday Morning—Sunday School and Church of choice. Sunday Afternoon—2:00, Song Service; 2:15, "Why a Junior Society?" Miss Bonabelle Kent; 2:30, "Why an Intermediate Society?" Rev. G. E. Williams; 2:45, Special Music; 2:50, "Why a Senior Society?" Mr. Clive Sals; 3:05, "Why an Alumnae?" Mr. G. Evert Baker; 3:20, Special Music (Have Thine Own Way, Lord); 3:25, Sentence Prayers; 3:45, Decision Service, Rev. James A. Smith; 5:30, Lunch.

Sunday Evening—6:15, Pre-prayer Service; 6:30, Christian Endeavor, Mr. W. D. Guy; 7:30, Address "Victorious Christian Endeavor," Mr. LeRoy Robinson.

Independent to Enter Race For Commissioner

Petitions to place upon the ballot the name of Henry Hagemann, of Logan as the independent candidate for county commissioner have been placed in circulation. Hagemann, who is registered as a Republican, is to run against C. W. Kruse and Roscoe Gard. Kruse in a hot campaign against Wm. Harris, present incumbent, at the May primaries secured the nomination of the Republican party. Gard carries the Democratic nomination.

It is understood that the candidacy of Hagemann is being sponsored by both of the county commissioners who are at present in office, with the possibility cited by some that the move is one to split the Republican vote to favor the Democrat.

Two Councilmen Will Make Race For ReElection

R. J. Rodgson, councilman from the first ward appointed to fill the vacancy caused by the resignation of R. Petzold, and F. H. Cross, councilman from the second ward, will seek reelection at the November election. Hodgson Monday filed his petition with the necessary 25 signatures, and Cross' petition is in the process of circulation.

I. C. Bridges, councilman from the fourth ward is understood to have declined to run. John A. Cameron has filed his petition of candidacy for the seat held by Bridges. The only councilman seat remaining unfilled is that of J. E. Jack, who was appointed to Ward 3 upon the death of F. E. Albright. Jack, on account of his ill health, is not seriously considering the race.

J. W. Scott From Canby.— J. W. Scott, of Canby, was in Oregon City on Monday and Tuesday.

CLACKAMAS COUNTY IS SECOND AT STATE FAIR

High Place In Poultry General Exhibit Greenhouse Prizes.

SALEM, Ore., Sept. 28.—(Special).—Clackamas county today was awarded second place in the poultry special prize competition.

Clackamas county won seventh place at the State fair for the county exhibit prizes. Jackson county county, with its splendid exhibit of fruits, vegetables, minerals, grains and other products, typical of that section of the state, was proclaimed winner of the first prize in the county competition. Jackson county scored 1014. Polk county finished second with a score of 984, Tillamook county third with a score of 967, Benton county fourth with a score of 943 and Columbia county fifth with a score of 930.

The RaIn and Herbert greenhouse of Clackamas won second prize for the best greenhouse display.

SALEM, Sept. 28.—New barns to house the livestock exhibits at the state fair and an appropriation of \$100,000 for a building to be devoted to the exhibits of boys' and girls' club members were demanded by speakers before the annual meeting of the Oregon Purebred Livestock association at the state fair grounds here Wednesday night. A committee was named at last night's session to bring in resolutions at the annual banquet of the association tonight covering these demands.

At the present time the livestock exhibits of the boys' and girls' club members are occupying one of the 13 livestock barns on the fair grounds with the overflow exhibits housed in a 40 by 60 tent. With a steady increase in the interest of these youthful exhibitors every year their part in the annual livestock exhibit has come to be recognized as one of major importance and demanding special attention.

SPECIAL SESSION, PLAN OF COUNTY TEACHERS

A special meeting of the Clackamas County Division of the Oregon State Teacher's association to act upon a series of amendments and to nominate officers for state and county positions, has been called by J. W. Leonard, president of the division, for Saturday, October 7. A meeting was called for September 16, at which a small minority prevented the adoption of the resolutions and their further consideration at the subsequent session was projected.

The meeting is to be held in the Commercial Club rooms beginning at ten o'clock. The program includes music in charge of O. A. Schultz, report of the nominating committee headed by J. L. Gary, report of the social entertainment committee headed by N. W. Bowland, discussion of the "Placement Bureau," the argument headed by Brenton Vedder, and a discussion of "Promotion of Better English," led by Mrs. Myrtle G. Tobey.

The amendments to be acted upon are:

To Article IV Officers—The officers of this division shall be a chairman, one vice chairman, a secretary, a treasurer, and an executive committee of seven members, of which committee the chairman, vice chairman, treasurer, and County school superintendent shall be ex-officio members, and the other three members shall be elective.

To Article V.—Election of Officers. Section 1. All officers of this division shall be nominated and elected immediately after the adoption of this constitution.

Section 2.—All officers shall be nominated sometime during each annual Teacher's Institute thereafter or at a regular meeting called preceding the annual Teacher's Institute; provided such meeting shall not be held more than six weeks prior to the institute.

Mr. Leonard has also announced the appointment of a number of special committees which are: Membership Campaign Committee Mrs. Bessie Cunningham, Chairman. Mrs. Gussie Hull, Mrs. Alma Blough, Mrs. Frances Abraham, Mrs. Vesta Clark.

Election Committee or Boards: John L. Gary, Chairman, O. J. Lake, O. A. Schultz, John R. Bowland, Chairman Carl Muender, C. O. Main.

Social Committee, N. W. Bowland, Chairman, L. W. Arant, Mrs. Ethel Lansdowne.

Resolutions Committee, Supr. R. W. Kirk, Chairman, Roma G. White, Leila Howe, Mrs. Florence Moore, Edgar R. Means.

School At Oswego Will Be Enlarged

The Oswego school is showing a greatly increased growth over the past year and already plans are under way to add two additional rooms the coming year. The Oswego school board has equipped one room as a hospital room where first aid is given, using the standard Red Cross equipment.

1925 EXPOSITION MEASURE TO GO ON NOV. 7 BALLOT

Decision In Supreme Court Sustains Judge Kelly In Action Dismissing Suits To Prevent Vote on Bill.

ALBRIGHT PETITIONS DECLARED ILLEGAL

Failure To Appeal in Fish And Income Tax Cases Is Cited in Final Opinion.

SALEM, Ore., Oct. 2. The so-called 1925 exposition amendment, which authorizes Portland to levy a tax to raise \$3,000,000 to help defray the cost of the proposed show, will go on the ballot at the November election. The 6 per cent interest rate amendment initiated by J. F. Albright of Oregon City will not go before the voters at the fall election.

No appeal was taken in the so-called salmon fishing case or the action brought to invalidate the graduated income tax measure initiated by the state grange, so both of these measures' places on the ballot were denied by the Marion county circuit court.

This was announced here today in an oral opinion handed down by the state supreme court. A written opinion covering the two cases is now being prepared, but it is not likely that it will be filed with the clerk of the court for two weeks. The court handed down the oral opinion today to expedite the work of the secretary of state in certifying the names of candidates and amendments to the county clerks.

The exposition case originated in the Marion county circuit court here, but was dismissed by Judge Percy Kelly when the plaintiffs refused to make their petition more certain and definite. Appeal to the supreme court then was announced by the plaintiffs. Sam A. Kozor, secretary of state, was named as defendant in the action.

Injunction Suit On 1925 Exposition Is Dismissed In Court

SALEM, Sept. 27.—The injunction suit to prevent the 1925 Exposition tax measure from being placed on the November ballot was dismissed this afternoon by Circuit Judge Percy R. Kelly, and S. S. Johnson and Rogers MacVeagh, plaintiffs and attorneys in the case, are preparing for an appeal to the supreme court to test out the validity of the initiative proceedings.

The dismissal followed refusal of the plaintiffs to make the complaint more definite and certain, asked in a motion filed by the attorney general, representing Secretary of State Kozor. Judge Kelly held that the complaint must specify total number of alleged illegal signatures to the initiative petition and the number in each county. The plea of the defense that the plaintiff be required to give the names and addresses of the alleged illegal signers was not sustained.

Bergholtz Sues Oregon City for Architect Fees

Suit to collect architectural fees, alleged to be due on a contract under which he prepared plans for the proposed city hall here, was instituted against the city Thursday by Edmund Bergholtz, Portland architect. A balance of \$750 is claimed by Bergholtz. On June 8 a contract was entered into between Bergholtz and the city for the preparation of the plans for the building, it was understood that the structure was to cost \$33,000 but the bids on the plans ran from \$40,000 up. After a lengthy period of discussion, Bergholtz secured a contractor to build the hall for \$35,000, and the architect required that his fees amounting to over \$1,000 be paid in addition. The bond issue for the building was in the sum of \$35,000 and the council refused.

Bergholtz, however, in his suit maintains that he was to be paid 5 per cent of the contract price of the building, and in the event that work on the structure, after the signing of the contract was subsequently discontinued, he would receive a total of 5 per cent. The contract with Bergholtz's contractor was approved by the council, but in the discussion over the alterations necessary to bring the price to \$35,000, a disagreement occurred and the contract was not formally signed.

Bergholtz had already been paid \$300 and asks \$750 additional.

Came From Estacada.— Among those coming to Oregon City on Tuesday was Mrs. Ella Mallatt, whose home is at Estacada.