

W. G. NESMITH LOSES IN FIGHT FOR FARM

Polk County Tract to Pass to
Ankeny Heirs.

APPEALS COURT DECIDES

Effort Made to Have Deed of Sister
Declared Mortgage to Keep
Place in Family.

SAN FRANCISCO, Jan. 9.—William G. Nesmith, son of the late James Nesmith, at one time United States senator from Oregon, lost his fight in the United States circuit court of appeals today to gain an interest in the old Nesmith home property of 300 acres in Polk county, Oregon, from the estate of his sister, Mrs. Jennie Nesmith Ankeny, who married the late Senator Levi Ankeny.

On the ground that Nesmith's intemperate habits made necessary a transfer of the property, the Oregon court allowed Mrs. Ankeny to take a deed to the land and pay off a mortgage against it. Nesmith sued many years later to have this deed declared a mortgage, but the federal district and appellate courts decided against him.

William G. Nesmith inherited the old home property in dispute from his mother. In the late 90's he placed a mortgage on the property with Joshua McDaniel, of Rickreall. The mortgage drew 8 per cent interest and Nesmith was unable to make the payments. In order to keep the property from passing out of the hands of the family, Senator Ankeny took a deed to the property in the name of his wife, Jennie Nesmith Ankeny, and took the mortgage from McDaniel and had it assigned to his own name.

The property now, according to the decision, will pass to the Ankeny heirs, whereas if the court had ruled otherwise it would have gone to Lynn Nesmith, a son of William G. Nesmith.

NEWBERRY DENIES ALL

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a formidable opponent who was thoroughly advertised.

There was a dramatic turn when Senator Williams, turning on his heel and facing half a dozen of his colleagues, asked if they believed the Newberry statement filed with the senate, in which he had said he had no knowledge of the facts and expenditures, beyond the figure named.

"Is there a man within sound of my voice who believes it?" Mr. Williams asked. "It is a horrible thing to accuse a gentleman of perjury. Do you believe it? You know it is false."

Only Facts Are Disclosed.
Senator Newberry in his statement said in part:

"It is perhaps unnecessary for me to say that I shall confine myself strictly to the facts as I know them to be and shall not attempt to affect in the smallest degree the judgment of this body. As far as I am concerned I desire that the facts as they are shall determine this matter."

On the sixth day of June, 1917, I was commissioned as a lieutenant commander in the navy and on July 23, 1917, I was assigned to the third naval district, with headquarters in the Brooklyn navy yard. I immediately took up my duties and from that day, July 23, 1917, until after the signing of the armistice, November 11, 1918, I was never in Michigan. The sixth primary election and the general election of 1918 occurred during my absence from the state.

In the early fall of 1917 I began to receive visits and letters from men active in public and political affairs in Michigan, urging me to become a candidate on the republican ticket for senator. I was not unimpressed of the suggested honor, and yet I fully realized that I certainly would not resign my commission in the navy to become a candidate and that I could not take any personal active interest while I continued to be an officer on duty in the navy.

Campaign Connection Limited.
While I was considering whether or not it was my duty to become a candidate for the office, I said to Mr. Allen Templeton of Detroit, who was actively engaged in a large industry in which I was a stockholder and who was also president of the Detroit board of commerce, that if I should decide to become a candidate, I hoped it would meet with the approval of my Detroit business friends and associates, and that I trusted the campaign might be looked after by business men of that description. This was as far as I had any direct connection with the selection of the committee of business men whose management of the campaign in my behalf I shall remember with gratitude as long as I shall live.

"Mr. Paul H. King was induced to accept the active management of the campaign. The selection of Mr. King did not originate with me. I knew Mr. King but slightly. My last contact with him had been in 1915 when we were political opponents. "I did not solicit or expend, directly or indirectly, one single dollar in the campaign for senator in Michigan in 1918, nor did I know of the contributions made until after the fact. The two statements which I made to the senate are absolutely and wholly true.

Statements Are Recalled.
"The first is dated August 14, 1918, and, on that date, the printed form with which you are all familiar and to which I sincerely subscribed, I wrote in my own hand as follows: "The campaign for my nomination

for United States senator has been voluntarily conducted by my friends in Michigan. I have taken no part in it whatever, and no contributions or expenditures have been made with my knowledge or consent."

The second, dated August 25, 1918, with the same omissions and in addition to the printed form to which I sincerely subscribed, I wrote with my own hand as follows, under the heading of "Disbursements": "None with my knowledge and consent." I have read a general public statement of Paul H. King concerning expenditures made by a voluntary committee of my friends, but these were made without my knowledge or consent.

"As every senator knows, this form refers only to campaign contributions, disbursements and promises. "Intent to Mislead Denied.
"I had not the slightest intention of misleading anyone in making this statement. The form of report furnished by the senate under the act of congress then supposed to be in force (but which has since been declared void), called for a full, correct and itemized statement under oath, of all campaign contributions, names of contributors, all expenditures and the purposes for which the expenditures were made.

"I had not the knowledge required to make such a verified report. My affidavit so stated this fact, and criticism would have been avoided. I made the statement in the form it was made in without consulting with anyone, and I have literally true. I had taken no active part in the campaign. I had not even been in Michigan. I had neither solicited, nor solicited and had no personal knowledge to enable me to make the report called for.

"In my statement filed with the secretary of the senate, I did call attention to the report of the campaign committee at Detroit, which report was called for by the Michigan law includes a full statement of receipts and disbursements as reported by the treasurer of that committee. "I make this statement not to escape any responsibility, but that the actual facts in the matter may be presented to the senate. How the money was spent in the state of Michigan, how the books of accounts were kept, I did not know. I do not know the names of the donors of the hearings."

MANGLED BODY IS FOUND
Carcass of Dog Also Discovered on
Tracks by Flagman.

SAND POINT, Idaho, Jan. 9.—The body of W. A. Macdonald, aged about 47, minus head, arms and legs, was found at 2 o'clock this morning near the Great Northern station by a freight train flagman. Nearby was the carcass of Macdonald's dog, also mangled.

Railroad and police officers believed the man and dog were killed by a train, it was a dozen feet from the tracks. The man was last seen alive about 5 P. M. yesterday. He came here 16 months ago from Spokane. He was known by the name of "Mac" and was said to be survived by two sisters in California.

MR. McCUMBER IS CHOSEN
North Dakotan to Succeed Senator
Penrose as Finance Chairman.

WASHINGTON, D. C., Jan. 9.—Senator McCumber of North Dakota was selected today by the committee on finance to succeed Senator Penrose as chairman of the committee on finance of the senate.

McCumber, a Republican, New Jersey, was selected to fill the vacancy on the finance committee.

Elevation of Senator McCumber to the chairmanship of the finance committee will leave vacant the chairmanship of the pension committee, but the committee on pension deferred selection of a chairman of that committee.

REDS' DEATH SIGN STIRS
Russian Hammer and Sickle Painted
on Offices in Port Arthur, Ont.

PORT ARTHUR, Ont., Jan. 9.—The business section of Port Arthur was stirred today by discovery of what was declared by the police to be the "death sign" of the Russian bolshievi, painted on the walls of the Bank of Hamilton, the Imperial bank, and the offices of the Finnish vice-consul. "The sign" consisted of a hammer and sickle, painted in blood red.

MARQUIS OKUMA IS DEAD
Ex-Premier of Japan Passes After
Lying in Deathlike Coma.

TOKIO, Jan. 10.—(By the Associated Press.)—Marquis Okuma, ex-premier of Japan, died at 7 o'clock this morning. For several days he had been lying between life and death and during part of that time his coma was so intense that his death was announced on Friday last.

Formal announcement has not yet been made to the public.

FORD PLANT REOPENED
40,000 Men Kept on Payroll Under
Rotation Employment Plan.

DETROIT, Jan. 9.—Operations were resumed in all departments of the Ford Motor company here today after a shutdown of nearly a month for inventory and repairs.

Under the rotation plan of employment, 40,000 men are kept on the payroll, 20,000 working at one time.

Best grade of coal. Prompt delivery. Diamond Coal Co. Bldg. 2037—Adv.

Services are held for Mrs. Wetzell
Salt Lake Choir Director
Passes Suddenly.

SALT LAKE CITY, Jan. 9.—(Special.)—Funeral services for Mrs. Elia Cumming Wetzell, ex-choir director of the First Methodist church here, who died last Wednesday following a sudden attack of heart disease, were held yesterday. Hundreds of friends attended the services and several hundred persons passed before the flower-laden bier, while an augmented choir sang the songs so loved by Mrs. Wetzell.

Interment was in Mount Olivet cemetery here.

Special memorial services were held earlier in the day in place of the usual morning worship. Resolutions of respect and esteem were adopted by the numerous Salt Lake organizations interested in music. One resolution adopted by the members of the church choir as called for by the church was "an uplifting and service-inspiring factor to the young people of the church and community; her remarkable and far-reaching power in the field of music leading us into deep and reverent worship through anthem, solo and chorus with ever-increasing effectiveness."

Mrs. Wetzell seemed to be in the best of health a week ago. She attended the rendition of "The Messiah" Sunday and performed her work Monday and Tuesday, but complained Tuesday night, on retiring, of a pain in her chest. She was awakened early Wednesday morning and complained of difficulty in breathing. She passed away a few minutes after awakening.

MRS. WETZELL KNOWN HERE
Choir of Old Taylor-Street Methodist Church Led.

Mrs. W. A. Wetzell will be remembered by many persons in Portland, where for a number of years she led the choir of the old Taylor-Street Methodist church. She was also active in musical circles throughout the city, and was known by a host of Portland vocal artists.

Following her resignation from the First Methodist church choir about 20 years ago, she moved to Salt Lake City, where she attained prominence equal to that enjoyed here. Her reputation as a singer is due mostly to her church singing, and during her residence in Portland she was considered one of the finest church singers here.

One brother, William A. Cumming, a dentist residing at the Arlington club, lives in Portland and has not yet returned from Salt Lake City, where he went to attend her funeral.

LANDSLIDE CAUSES HAVOC
Cathedral and Other Buildings in
Sicilian Town Wrecked.

MESSINA, Sicily, Jan. 9.—A tremendous landslide today destroyed the cathedral, the postoffice and many dwellings in the town of San Fratello.

The entire population fled to the country. The slides, which are continuing, are due to recent heavy rainfall.

RIVERVIEW FACES CRISIS
(Continued From First Page.)
mons, a motion was made to adjourn for one month and "think things over."

Mr. Ladd's explanation of the "death sign" of the Russian bolshievi, painted on the walls of the Bank of Hamilton, the Imperial bank, and the offices of the Finnish vice-consul. "The sign" consisted of a hammer and sickle, painted in blood red.

There are at present six vacancies, by death, resignation and expiration, on the board. J. E. Hazeltine recently died. Mr. Ladd, who has served 25 years, announced that he no longer can act. He is preparing to take a trip, he said, and expressed the wish to be relieved of the responsibility, but volunteered to serve until his successor is elected and qualified. Mr. Ladd said last night he hopes Mr. Ladd will reconsider and give to the new board, however formed, the benefit of his long experience.

Association Is Bankrupt.
That the cemetery association is a virtual bankrupt was information of the most surprising nature to those present at the meeting of the association, with power to vote, was another piece of news to practically all of those present, it was said. Never before, it was said, had many of them received notices of meetings and they

were ignorant of their status or of the facts concerning its financial condition.

According to a report compiled by Strong & McNaughton, at the request of the committee of five, and without incurring any expense, the fundamental difficulty in the Riverview financial situation is that its founders fixed the price of lots too low. Lots should, the report declared, have been at least 50 per cent higher, and it was recommended therein that the trustees even now increase the price on all lots now unsold.

Proposal of Sale Made.
This report went into some detail regarding the possibility of rehabilitating funds of the association by the sale of a large section of property never as yet used for cemetery purposes, making of this into residence sites and thereby deriving more than \$100,000, based upon what was considered a conservative estimate of probable proceeds.

The committee of five submitted a report, through Mr. Labbe, in which the situation as four of the members had found it was set forth, starting with the purchase of the cemetery grounds. This report carried details leading up to and including the abrogation of the article of the by-laws and the amending of the state law concerning the management of the cemetery.

Remedy Offered by Committee.
The committee's report, which was signed by all of the members except Mr. Honeyman, was to the effect that the trustees should return to first principles in an effort to continue the cemetery as prescribed in the original plan. Mr. Honeyman, while not signing, did not submit a minority report.

Following the Strong & McNaughton and committee of five reports, Mr. Teal, who, at the beginning of the meeting, had moved that minutes of preceding annual meetings be approved, arose and set forth what might be termed the version of the average lot-owner present. His viewpoint was that the cemetery is now a 2500 lot owners have entered into contracts on the basis that there was to have been an irreducible fund, which now would have reached, according to reports submitted, about \$162,000, action should be immediately taken to reinstate the article of the by-laws requiring it and that the trustees get back as near to the original plan as possible, everything considered.

Original Requirement Opposed.
Combating the argument, which Mr. Teal declared, was absolutely without personal feeling, Charles H. Carey, a trustee, said he knew from personal experience that it is now and always has been a physical impossibility to follow the original by-law's requirement and to comply with the state law governing irreducible funds, for the reason that the income was smaller than the outgo and nothing could change that.

"This is a sick company, paying dividends," said Judge Carey. "It is owned by you and me on an equal basis. You have the same standing as I and I as you; we both have the same feeling as lot-owners, for our loved ones lie buried there. I unhesitatingly aver it was a wise move to amend the law and have the trustees have done their best to work out the problem of preservation of the cemetery. What is needed now is constructive suggestions. I have an idea that some of the properties can be turned to good account, but am sure that some means will have to be worked out to increase the receipts if the lot-owners insist upon perpetual maintenance of the cemetery."

Assessment Is Suggested.
J. K. Gill, a lot-owner, suggested some kind of an assessment of members, saying he would cheerfully pay over to the association an amount equal to that which he originally paid for his lot.

The present trustees are, in addition to Mr. Ladd: Judge Carey, C. N. Huggins, H. L. Corbett and F. M. Warren. Mr. Ladd declared that, as far as he knew, everything had been done that could be to keep the cemetery up to standard. He declared the non-attendance of members at annual meetings and said that out of a possible 26 such meetings during his term, there had been but 19; that out of a possible attendance of 2500 there had been but 12, as the highest number present at any session, aside from trustees, and he blamed this seeming indifference for considerable of the present trouble.

Governor's Regime to Be Reviewed.
SPOKANE, Wash., Jan. 9.—The official attitude of the state republican committee on Governor Hart's administration will be presented by State Chairman Hebbard here Wednesday evening, when he will address the Spokane constitutional study club on "The first year of Governor Hart's administration." The meeting will not be open to the public, but executives announce. Mr. Hebbard is expected to open winter political fights.

Whitehouse Trial Starts Today.
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