

# BISHOP'S RIGHTS, SAYS LEGAL ADVISER

### Opinion Given on Demand That Dean Resign.

## CANONS ARE CONSIDERED

### Chancellor of Episcopal Diocese Declares Dismissal Within Power of Church Head.

That Bishop Walter T. Sumner, bishop of the Episcopal diocese of Oregon, has full power to dismiss the Very Rev. H. T. T. Hicks from his position as dean of the diocese and St. Stephen's Episcopal pro-cathedral was the statement yesterday of Judge W. T. Slater, chancellor of the diocese.

Judge Slater's position is virtually that of legal adviser to the bishop of the diocese and convention of the church. He explained that his opinion was based both upon the canons of the church and upon the civil contract between the bishop and the dean.

The opinion was given upon the written request from Bishop Sumner to Dean Hicks, asking that the latter resign, and intimating that if he refused to do so, the bishop would proceed to dismiss him.

Dean Hicks failed to agree with Judge Slater's construction of the church canons having their position on an article in the constitution of the diocese which declares that the pro-cathedral shall have the rights and duties of a parish in its relation to the convention and the diocese.

Judge Slater held that this article has nothing to do with the relation of the dean to the pro-cathedral or to the bishop.

In the opinion given yesterday, Judge Slater said:

"The question is one which relates to the canonical authority of the bishop over St. Stephen's church, known as the pro-cathedral. To determine accurately the question now in dispute between the bishop and Dean Hicks, the historical and canonical situation of St. Stephen's church must be considered.

**Church Founded by Bishop.**

"I understand that this church was founded by Bishop Scott, a missionary bishop who exercised complete authority over it as his chapel. His successor in office, Bishop Morris, also treated it as his church and appointed Rev. Horace B. Ramsey as dean. Mr. Ramsey was at an early date notified that he was solely the representative of the bishop and subject to be removed or discharged at any time without the assignment of any reason.

"When Bishop Morris died the authority of Dean Ramsey was at an end until his appointment was confirmed by Bishop Scadding with the express admonition that he, the dean, was subject to the authority of the bishop and might be discharged at any time. Each successor to the deanship since that time has been appointed by the bishop with the same assertion of authority by the bishop and acceptance thereof by the appointee.

**Parish Organization Denied.**

"St. Stephen's has never been organized as a parish under the canonical laws of the diocese. It was first designated as a cathedral church by Bishop Scadding. There is but one reference to the status of the pro-cathedral in the constitution of the diocese and none in the canon. The constitution of the diocese provided that the bishop may, with the consent of the clergy and lay officers of the church, select and designate a cathedral church in Portland as the bishop's church which shall be known as the pro-cathedral and in the relation to the convention and government of such church, and that in its relation to the convention and government of the cathedral shall have the rights and duties of a parish.

"This provision of the constitution clearly shows that the selection by the bishop of some church represented by an organized parish and having a cathedral church in the diocese of St. Stephen's has never had such an officer. This clause also clearly contemplates and provides for the selection of what might be termed the internal affairs of such church—that is, the form of organization and government thereof—are to be fixed by special canon and that the general canons applying to a parish have no relation to such a church except in its external affairs. That means that with the convention and the diocese only the pro-cathedral shall have the rights and duties of a parish.

**Dean's Rights Not Mentioned.**

"These rights here mentioned do not refer to the personal rights of one claiming to be dean of the church or the rights in charge, but the rights refer to the right to representation in the convention and the duties of such representation and liability to assessment for church expenses.

"The historical and canonical situation of St. Stephen's as constructed by the laws of the church, is analogous to that of a mission founded by the bishop and in subject to his personal authority and jurisdiction. The bishop consequently, both by the canonical law and by the civil contract between him and Dean Hicks has absolute authority to terminate the relationship of the dean with St. Stephen's at any time he may see fit without being obliged to give any reason therefor.

**Decision Declared Binding.**

"Under the constitution of the church throughout the United States, if St. Stephen's were a parish and Dean Hicks had been elected rector thereof and the vestry or trustees should desire a separation and dissolution of the pastoral relation and parties were not agreed in respect to the matter, the bishop, after receiving due notice in writing, has ample authority to settle the matter by discharge of the rector. After his decision has been rendered both parties must abide thereby."

Judge Slater also pointed out the fact that title to the property of the pro-cathedral is vested in the bishop. Interest now is centered largely on the special parish meeting of the members of the pro-cathedral parish, which has been called for Tuesday night, February 21, at 8 o'clock, in the parish house. The action of the bishop will be taken up for consideration at that meeting.

Dean Hicks reached as usual yesterday at the pro-cathedral, and there was no special demonstration, although it was apparent that the atmosphere was surcharged with a certain amount of feeling over the crisis which has arisen. The dean was comfortably filled, in that respect there being an ordinary-sized

# KENTUCKY ROW ABOUT DARWINISM

### Teaching of Evolution Issue in Public Schools.

## BILL UP IN STATE SENATE

### Measure Would Prevent Lectures on Subject by Instructors Paid by Public.

LEXINGTON, Ky., Feb. 6.—(Special.)—The bitter fight waged in Kentucky in a generation has come to a temporary close after a committee in the state senate called a hearing on a bill designed to prevent the teaching of Darwin's theory of the evolution of man in any educational institution which is supported by state funds. This includes the University of Kentucky.

The entire state has been aroused by allegations made on both sides the fight coming to white heat when William Jennings Bryan was brought to various leading states to speak against evolution. Ministers have spoken from their pulpits for and against the theory and the newspapers have published columns of news and editorial comment. Several institutions aside from those supported by the state have taken up the evolution, have figured in the battle, and one big college has long faced a split over the question.

**Educators Favor Subject.**

Frank L. McVey, president of the University of Kentucky, which is situated in this city, made public telegrams from many of America's leading educators, who without exception held that the theory of evolution should be taught. He said that people who live in the rural districts provide the backbone of the opposition to the teaching of evolution, holding it to be contrary to the Bible "as it is written." Some of the telegrams to Mr. McVey, sent in response to a query from him, follow:

"Such an act would be fatal to the best interests of pupils in any school on which it could be enforced. Evolution is correctly defined by John Pliske as God's way of doing things. It is a fact of nature, and it is a fact of nature that the world is being taught in its own form."

"Dr. Lyman Abbott, New York.

"Any attempt to impose legislative restrictions on the teaching of science is contrary to all the principles on which the American republic has been founded. Charles S. MacFarland, general secretary federal council of the Churches of Christ in America, New York.

**President Elliot in Row.**

"Cannot believe that any American legislature can be induced to prohibit the teaching in public schools of evolution or of any other scientific hypothesis, practically all scientists hold it, and most colleges teach it in some form."

"Dr. Lyman Abbott, New York.

"Any attempt to impose legislative restrictions on the teaching of science is contrary to all the principles on which the American republic has been founded. Charles S. MacFarland, general secretary federal council of the Churches of Christ in America, New York.

"Should regard bill such as you suggest certain to make Kentucky the laughing stock of the world. To prohibit the teaching of evolution is to adopt an intellectual attitude of the 12th century. It is a proposition which could not be seriously entertained by any really intelligent person."—James R. Angell, president of Yale university.

"In the name of 250 colleges and universities located in 42 states we protest against any legislation which would restrict the teaching of evolution or of any other scientific hypothesis favoring evolution."—Robert L. Taylor, executive secretary, Association of American colleges, New York.

# GERMANY SEEKING S. AID AT GENOA

### Sensible Leadership Said to Be Europe's Need.

## DUTY TO WORLD URGED

### Complaint Made of French Attitude Toward Conference to Settle Problems of Continent.

BY MAXIMILIAN HARDEN. (Copyright, 1922, by The Greenleaf.) BERLIN, Feb. 12.—(Special Cable.)—If the United States is not to be represented at the Genoa conference, much of Germany's hopes in the gathering dies at once.

America would have an ameliorating influence at the conference. The discussions would be on broader planes, and the conclusions reached might accomplish something toward the restoration of peace and the reconstruction of Europe.

With England and France in their present temper, it is difficult to see how much can be accomplished without the influential intervention of a power like the United States.

France, even now, is threatening to wreck the conference, and may succeed in doing so if the United States holds aloof. It was hoped by the better elements in Germany that the United States might see in the Genoa conference a chance for wide world service, for, as I have said before, the American conference of the scope planned for Genoa, with Germany and the Russian Soviets attending, has a meaning for America as well as for the other countries and peoples of Europe.

**American Sense Needed.**

Europe needs the common sense of America in her councils. The Washington conference was able to accomplish much for the tranquillity of affairs in the far east only because of the American influence. On the other hand, America needs Europe. She must have an outlet for her excess goods and a market for her raw materials.

It was thought here that a new order in the far east would be the price of American co-operation in healing Europe's sufferings.

It has been thought here that the gigantic problem of Russia might arise at the United States to Genoa, Russia, which has so long been treated like a mere epidemic with quarantine and disinfection, for Russia is one of the chief problems of the world economic situation. It would make a vast difference in the hand of the dealer if the markets of Asia were opened to the products of American labor and the unemployed were back at work.

**French Leadership Hopeless.**

It is impossible to say at this time just what the position of Russia and Germany will be at the conference. Who will lead the way at Genoa, as America led the way with proud self-sacrifice at Washington? Not France, for France can see only her own troubles and her own problems. France thinks that all of Europe's future depends upon the satisfaction of France's demands against Germany. But as I have already pointed out in these dispatches, France's recovery is not a problem in condition to Europe's restoration, but will be the conclusion of that restoration, when all the world's attention is turned to the important country of a continent whose fate may be decided at Genoa.

Great Britain, with the moral support of the United States behind her, might go far at Genoa, for England knows the impossibility of Germany's executing the French reparations claims. But how far can England go while at loggerheads with France?

**French Position Secured.**

France is taking the position that she will withhold participation in the Genoa parley if it is to discuss any of the problems which confront Europe today. France says she will not discuss reparations, when all the world—except France—knows that the reparations demands must be a factor in any attempt to readjust and reconstruct this continent.

France says the treaty of Versailles, with its mass of contradictions, shall not be discussed. But if Europe is to go on under this treaty as it has in the last two and a half years, why talk of reconstruction?

France says that the Genoa conference must do nothing that the league of nations ought to do, and thus she all but closes the door in the face of the United States.

France wants the conference so amended that it would be futile to hold it.

I may add, myself, that without the

# WOUNDED MAN IS DEAD

### Father-in-Law of William Sederberg Passes Away as Result of Shooting Affray.

## TILLAMOOK, Or., Feb. 12.—(Special.)

As a result of a shooting affair at Rockaway a few weeks ago, William Sederberg, father-in-law of the late William Sederberg, died as a result of the wound he received in the affray.

Sederberg and O. D. Spencer were arrested after a preliminary hearing in Justice of the Peace Krebs' court they were bound over to the grand jury. Spencer gave bonds, but Sederberg was unable to find bondsmen. When the grand jury met the first of the week Sederberg appeared before it and made a statement, but Spencer was then alive. Circuit court will convene again in February 20, without charge, as James Spencer has died from the effects of having his arm torn off a bullet fired by the late William Sederberg.

O. D. Spencer and William Sederberg, son and son-in-law of the dead man, became involved in a dispute over the ownership of a check. O. D. Spencer informed his father of what had transpired. James Spencer, an old man, by the state of Oregon, was charged with straightening out the difficulty, but as he opened the door of the room where Sederberg was he was shot by his son-in-law, who had injured one of his arms so badly that it had to be amputated.

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# FRUIT OUTPUT IS RECORD

### EUGENE GROWERS' SALES TOTAL \$1,252,008.12

## Association Pays \$147,034.89 for Labor in 1921; Officers and Directors Re-elected.

EUGENE, Or., Feb. 12.—(Special.)—Gross sales of all kinds of products graded in 1921 by the Eugene Fruit Growers' association amounted to \$1,252,008.12, according to the report of J. O. Holt, manager of the association, at the annual meeting of the stockholders at the chamber of commerce yesterday. Mr. Holt said that the total amount of business done by the association last year was 25 per cent greater than the previous year and that 1921 was the best year in the association's history. The association owns and operates three canneries and packing plants, one at Eugene, and one each at Creswell and Junction City. The plant at Eugene is the largest in Oregon. A total of \$147,034.89 was paid out during the year for labor.

Amount of various products handled in 1921 were given as follows: Cider apples, 1,125,925 pounds; string beans, 41,844 pounds; peas, 206,433 pounds; blackberries, 1,228,252 pounds; broccoli, 6581 pounds; carrots, 289,548 pounds; cabbage, 46,464 pounds; cauliflower, 16,993 pounds; grapes, 13,859 pounds; loganberries, 693,214 pounds; parsnips, 34,655 pounds; pears, 12,212 pounds; plums, 84,813 pounds; prunes, Italian green, 2,435,934 pounds; potatoes, 1108 pounds; pumpkins, 4964 pounds; quinces, 1924 pounds; raspberries, 7,642,278 pounds; raspberries, black, 4513 pounds; rhubarb, 924 pounds; strawberries, 46,983 pounds; turnips, 20,127 pounds; tomatoes, 29,473 pounds. Total, \$1,252,008.12.

The stockholders re-elected directors as follows: M. H. Harlow, F. H. Chapp, F. L. Waite, Frank B. Harlow, John Ramsey, E. L. Ayres, George A. Dorris, F. W. Miller and J. Beebe, and the directors re-elected all old officers, except the secretary, president J. O. Holt is secretary.

# MARINE RECRUITING IS ON

### Re-enlistments From Army and Navy Again Permitted.

## WASHINGTON, D. C., Feb. 12.—(Special.)

The marine corps has again opened its ranks to re-enlistments from the army and navy and to the teachers of the world who have had no prior military service. In recent months enlistments in the marine corps were restricted exclusively to former marines, although men with excellent records in the other services have been applying at the recruiting offices for the honor of "doing a hitch" with the leathernecks.

A fixed quota of 600 recruits has been set by Major-General John A. Lejeune, commandant of the corps. This comparatively small number will enable the recruiting officers of the corps to continue the policy of hand-picked selection from the applicants that will follow the removal of the past restriction.

# SALEM COUPLE HONORED

### Reception Given Rev. and Mrs. H. D. Chambers by Episcopalians.

## SALEM, Or., Feb. 12.—(Special.)

Rev. and Mrs. H. D. Chambers, who have recently taken up their residence in Salem, Friday night were given a reception by the members of St. Paul's Episcopal church, at the home of Adjutant General and Mrs. George A. White.

The Rev. and Mrs. Chambers were introduced by Mrs. U. G. Shipley and Mrs. Joseph Baumgartner. Musical selections were given by Mrs. Putnam, Leon Jonsson and Mrs. W. Carlton Smith.

Although having been here but a few weeks, Mrs. Chambers has been the guest of honor at a number of social functions.

She and Mrs. Chambers previously resided in Portland.

# HOSTESS HOUSE OPENED

### Taffy Pulls and Corn-Popping Parties Held at College.

## OREGON AGRICULTURAL COLLEGE, Corvallis, Feb. 12.—(Special.)

A hostess house, open to all, with chaperoons provided until 10 o'clock every evening and 11 o'clock on week nights, is now made available by college authorities. Shepard hall, home of the Y. W. C. A., is used for this purpose.

Committee meetings, taffy pulls, marshmallow toasts and corn-popping parties are as common there as a studying or making of notes.

Townpeople are welcomed by the chaperoons as well as students, and the spirit is one of friendship and democracy.

# FOREIGN STUDENTS AIDED

### \$800 Gift for Relief.

## OREGON AGRICULTURAL COLLEGE, Corvallis, Feb. 12.—(Special.)

An \$800 gift to the student friendship relief will be forwarded from the student body of the college to the headquarters of the World's Christian student federation, as soon as pledges are collected according to Jack Alexander of Corvallis, chairman of the drive committee.

Students in 13 European countries will be aided in obtaining an education by the use of this money. Members of the committee are John Briggs of Portland, Jeannette Cramer of Grants Pass, L. Stockman of Pendleton, and Ruth Dungan of Portland.

# NEW MARKET WILL BE BUILT.

### EUGENE, Or., Feb. 12.—(Special.)

Work of raising the old public market building on the county jail grounds in the Willamette valley was damaged by the recent cold weather, according to a report prepared by C. C. Russell and J. W. Savage, who assessed several days in the rural districts investigating broccoli conditions.

As a result of the unsatisfactory weather conditions, the report said, the main part of the crop to be harvested will be late, and carload lots of the product will not be shipped until early in March.

# COLD DAMAGES BROCCOLI

### About 50 Per Cent of Willamette Valley Crop Suffers.

## SALEM, Or., Feb. 12.—(Special.)

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# SEASIDE CAMP TO OPEN

### Intent to Resume Logging Operations Announced by Company.

## SEASIDE, Or., Feb. 12.—(Special.)

Residents of Seaside and the surrounding country experienced pleasure in learning that plans are under way to open up the logging camp of the Crown Willamette Paper company. The opening of the camp after its long period of idleness is expected to improve business conditions greatly in this locality. For some time repairs have been made to the camp and road beds. The company owns a large tract of spruce timber south of Seaside.

# FISHERMAN FINED \$50.

### EUGENE, Or., Feb. 12.—(Special.)

John Thomas of Westlake, in the western part of Lane county, was fined \$50 in the justice court at Medford on a charge of fishing without a license and catching fish smaller than the law allows. His brother, George Thomas, was also arrested on the same charge.

A 17-year-old boy was arrested for trapping without a license.

# WOODMEN DRILL TEAM WINS

### Woodmen of World Camp Out for Coast Honor.

## EUGENE, Or., Feb. 12.—(Special.)

By virtue of having won the competitive drill contest from the Salem team in Corvallis Thursday night and capturing the state championship, the Woodmen of the World drill team of

# WOMEN JURORS TO BE DRAWN.

### ALBANY, Or., Feb. 12.—(Special.)

Women will be summoned for jury duty in Lane county for the first time when a jury list is drawn this week for the term of state circuit court, which starts on Tuesday night, Monday in March. The list will be drawn February 15 or 16 by County Clerk Russell and Sheriff Kendall.

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