

HERLOW ABANDONS FIGHT FOR FREEDOM

Judge Morrow Decides That Under Present Laws He Cannot Act on Parole.

CONFLICT IN ACTS NOTED

District Attorney Explains Attitude as Supporting Jurists' Right to Amend Sentence at Time of Pronouncement.

E. C. Herlow surrendered himself into the custody of Sheriff Hurlburt to serve a term of from one to 10 years, and the constitutionality of the entire parole law was brought into question by Circuit Judge Morrow yesterday morning, when he decided that he had no right to hear the application of Herlow for a parole.

"After conviction the Governor is given by law the sole power to grant pardons, reprieves or commutations," said Judge Morrow. "Under the ruling of Federal Judge Wolverson this year holding that a parole is in fact a commutation of sentence, the conclusion seems to follow that the power conferred on the Governor does not belong elsewhere."

The validity of the entire parole law is seriously attacked by the stand of District Attorney Evans in the Herlow case, contended Judge Morrow. "He annihilates the whole parole law, if his construction is correct," commented the jurist.

Laws Are at Variance. Judge Morrow asserted that even if it were assumed that the law passed by the 1911 Legislature conferring upon the trial judge the right to parole one convicted of crime was a valid act, its effect was practically destroyed by another act of the same Legislature, passed two days later, creating the Parole Board of the state of Oregon. In it the parole power of judges was limited to the period of time before the defendant is committed to serve the sentence for the crime.

A "commitment" was held by the Judge to mean a certified copy of the order imposing sentence. Consequently, the Judge contended when the court imposed sentence upon a defendant convicted of crime, it thereby committed him for his offense. The parole law gives the Judge power to grant a parole until the prisoner has been turned over to the warden of the penitentiary.

"I do not wish to appear in the light of one who would appear to have granted a parole system in the courts," said Mr. Evans yesterday, following the decision in the Herlow case, which was a signal victory for the parole law. "The parole law is a good law, if properly administered. It is an abuse, however, to permit the granting of a parole long after sentence has been pronounced and the case disposed of."

Prosecutor's Stand Explained. The stand of the District Attorney, as set forth in the argument by Deputy District Attorney Arthur Murphy, yesterday morning, is that the court has the power to grant a parole at the time sentence is pronounced, but at no subsequent period. A parole granted after the sentence has been pronounced is considered a commutation of the sentence, and is viewed by the District Attorney as a parole in fact, and not as a parole in law.

To the rear of the courtroom, during the argument yesterday morning, sat a small man, well dressed and of serious mien. He wore a short, clipped mustache and glasses. It was Herlow. Behind him sat Deputy Sheriff Ward, under orders to seize the man as soon as the hearing was over. At the conclusion of the argument, and when Judge Morrow had admitted that he was powerless to keep Herlow from the penitentiary, the shadowed man walked quietly from the courtroom and gave himself into the hands of Sheriff Hurlburt. The Sheriff had no alternative but to take the man into custody, as he held a commitment.

Stanley McDonald, deputy county jailer, left for the Salem Penitentiary with Herlow yesterday afternoon.

AUDITORIUM BIDS REJECTED

Provision for \$3 Wage to Laborers Is Required by Law.

When Commissioner Baker discovered yesterday that the specifications for excavating for the proposed public auditorium did not contain a provision requiring the payment of \$3 a day to laborers, he asked that bids for the contract be rejected. The Council adopted his recommendation.

An ordinance in effect requiring the payment of wages on the same basis as the city's wage scale. This is \$3 a day for laborers. The specifications upon which the contractors bid called for the payment of wages on a basis current in the community. New bids will be invited Monday at 4 P. M., at which time the Council will hold a special meeting.

SAFETY MEETING CALLED

United Effort in All Activities Aim of Proposed Forum.

Manufacturing concerns, civic organizations, schools and many other bodies in Portland and vicinity are to be asked to participate in the organization of a Safety First Forum, at the Chamber of Commerce next Friday night.

WALKER WHITESIDE IN "THE TYPHOON"

American Actor, Who Appears at Hellig Next Week, Makes Great Impression in England Till War Disorganizes Drama.



Walker Whiteside

THE fates have been uncommonly kind to Walker Whiteside since he last visited Portland, three years ago, presenting "The Typhoon," which will again be the medium of his expression when he returns to the Hellig next week. At the close of that, the most successful season of his long and interesting career, Mr. Whiteside went to London, accompanied by Mrs. Whiteside and their daughter Rosamond, primarily for recreation and incidentally in search of a new play. While there Israel Zangwill proposed that they should appear in "The Melting Pot," supported by an English company, and after much persuasion Mr. Whiteside accepted the author's proposition.

Mr. Zangwill leased a theater, engaged a company and with hardly more than the mere announcement of the opening in the newspapers, a crowded house greeted the American player. His success was electrical. The critical writers were extravagant in their praise of Mr. Whiteside's work, and declared that the beauties of the Zangwill play had not been revealed in performances given in London when the play was presented there some time before.

The engagement continued, although competing companies and making improvements. The Minthorne Springs Water Company received a franchise in 1909. About four years ago the Fisch plant was about to be bought by the Minthorne Company, at the request of the City Council, when the Councilmen suddenly changed their minds and decided to acquire the plant for the city. The Council at the same time voted to take over the Minthorne company's holdings. An amendment was offered for the substitution of Bull Run water, but the people of Milwaukie voted down the proposition.

The next administration voted to take over the independent companies and a board of arbitration was appointed to appraise the property. The Fisch people refused to take the \$650,000 and litigation that has carried the case to the Supreme Court was begun.

The Minthorne Springs Water Company has a capitalization of \$20,000 which is the intention to raise to \$50,000.

WATER SUIT IS IGNORED

MILWAUKIE COMPANY DECIDES TO EXTEND OPERATIONS.

J. I. Johnson Declares \$25,000 Will Be Expended in Buying Up Rival Concerns.

Having waited for four years for a settlement of the Milwaukie water question, J. I. Johnson, chief stockholder in the Minthorne Springs Water Company, who has supplied part of the water used in Milwaukie for the past six years, within the next few months will extend his system to include all of the town and will expend between \$25,000 and \$35,000 in buying up rival concerns.

REDMOND LAWYER INDORSED FOR STATE REPRESENTATIVE CANDIDACY.

REDMOND, Or., Jan. 22.—(Special.)—Denton G. Burdick has received the indorsement of the Redmond Commercial Club as candidate for State Representative on the Republican ticket for the Twenty-first District.

Born in Sault Ste. Marie, Mich., where he lived until he was 12 years of age, Mr. Burdick there obtained his grammar school education. From Sault Ste. Marie he went to Fargo, N. D., and after finishing his high school course, attended the Fargo College. In the office of Attorney A. C. Lacy, of Fargo, he obtained his first legal training, completing the same at the University of Iowa Law School. Mr. Burdick has been engaged in the practice of law in Crook County for the past five years.

OPYS ARE TO GO TO BACK UP OFFICERS

Speakers at Y. M. C. A. Score Rank and File for Quitting in Time of Need.

EVERY VOTE IS CALLED FOR Leaders Believe Day Has Arrived for Party to Stand on Its Own Platform to Advance Other Principles Than Prohibition.

"The important thing for us to do now is to hold our own people and keep in them the enthusiasm for working in the prohibition cause, for really we have only begun the fight in Oregon with the passage of the prohibition law," declared J. Sanger Fox, executive secretary of the Oregon prohibition state committee at the conference of the committee at the Y. M. C. A. yesterday.

"Too many of our people have got 'cold feet' or lost interest since the prohibition law carried. This loss of interest shows in the scanty attendance at this meeting. We have 18,000 registered prohibitionists in the state and 4000 in Portland. Before this meeting 800 telephone reminders were sent out to families in this city, and yet the attendance at this conference today has been a handful."

I sent 77 letters out over the state a short time ago, and up to date I have received only seven answers. Those 77 were not the rank and file, but represented the very pick of our active workers in the prohibition cause. "And those seven letters that came in answer, out of the 77 sent, were full of pessimism."

Registration Declared Essential. Bruce Wolverson, acting chairman of the committee, emphasized the need for continued activity to follow up and clinch the successes already made.

The fight has only begun. We must sustain this prohibition law by putting in office men who will see that it is enforced and respected," he said. "Because the passage of the law has been achieved is no reason for prohibitionists to neglect to register and to allow their active interest in the work to lapse."

It is the duty of every prohibitionist to keep alive his interest and continue the work until all has been done that ought to be done.

L. H. Suter said that the prohibition platform must be extended to cover other subjects besides prohibition. He suggested that the actual subject of prohibition be subordinated and the public made to realize that the party stands for other important reforms besides prohibition.

Party Session Is Advocated. E. E. Taylor, and, in fact, practically all of the speakers, who present in their expression that the prohibitionists should cut themselves off utterly from affiliation with other parties and carry on the fight in the elections on their own strength.

"We have been fooled too long by the old parties. We must nominate our own officers and have them elected before the primaries in May," said Mr. Taylor.

A resolution was adopted providing for the holding of a prohibition state convention on April 15. Speakers of the day were J. P. Newell, E. T. Johnson, T. B. Ford, A. J. Cook, R. Lee Paget, Mrs. Ward Swopes, H. Margaret Taylor, W. H. Dufur, Mrs. J. M. Kemp, Mrs. M. I. Hyde, Bruce Wolverson, L. H. Suter, N. G. Hedin and J. Sanger Fox.

The annual banquet of the party, held in the evening at the following were speakers: G. B. Pratt, J. Sanger Fox, C. O. Whiteley and A. L. Crim.

Part of Debt Is Raised. Facing the statement that the state prohibition party was in debt approximately \$200,000, a check held in the City Council, which was held in the City Council last night that concluded the state conference raised \$75 in cash and pledges. J. Sanger Fox, state secretary, and W. H. Dufur, Mrs. J. M. Kemp, Mrs. M. I. Hyde, Bruce Wolverson, L. H. Suter, N. G. Hedin and J. Sanger Fox.

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Political Parties Are Blamed. "Since by Uncle Sam we mean the dominant political party, the Democratic party at present, the Republicans have been in the criminal class for a long time."

A. L. Crim declared that if the prohibition party had done nothing else, it had made the people of the country realize that the liquor issue is a political issue, and that it had demonstrated that government exists for the protection of the inalienable rights of its citizens.

Other speakers at the night session were George Pratt and Charles O. Whiteley. Resolutions were adopted to the effect that the state nominating convention should be held not later than April 15; that all nominees should be registered prohibitionists; that the prohibition party invite the members of the Woman's Christian Temperance Union to become active members; that the conference favor an adequate National prohibition amendment to the Constitution and that the paper of J. P. Newell on "The Tariff" be published in prohibition organs. Memorial resolutions on the death of L. H. Amos and Mrs. Mary Ramp were also adopted by the conference.

REED EXAMINATIONS HERE Principles of Honor System Are Explained to Pupils. Reed College students will be in the throes of the final examinations for the first semester during the whole of this week. The examinations will be conducted on the honor principle, which has worked out so successfully during the entire history of the college. Roland Bristol, president of the senior class, explained the principles of the honor system to freshmen last Thursday during the assembly hour.

Students are put on their own honor to write the examinations without receiving any assistance, such as scribbling or cheating by any other means. So successful has the system been that the instructors of some classes have allowed their students to write their examinations in their rooms or wherever they chose.

INDIAN, 86, IS WITNESS

FISHING RIGHTS IN DISPUTED COLUMBIA GROUNDS ASSERTED.

Company, Accused of Illegally Driving Away Reds, Presents Testimony on Freeing of Moored Scoop.

Asserting the right of his fellow tribesmen to fish at Lone Tree Point, near the head of Three-Mile Rapids, near The Dalles, Pipestone, a Tygh Indian, aged 85, was a witness in Federal court yesterday during the hearing of the case against the fish cannery firm of Seufert Bros., of The Dalles.

The witness said that many years ago as a young man he used to come with other Indians from the Upper Deschutes country, where his tribe lived, to The Dalles and they fished unmolested from Lone Tree Point and in the adjacent waters of the Columbia River. He said the Yakima Indians used to cross the river in their dugout canoes from the Washington shore and fish in the same tribal fishing places, the rights to which are now claimed by the cannery company.

It is held by the Government in bringing its suit against Seufert Bros. Company that fishing rights given the Indians by the treaty of 1855 are still effective, and it is contended the cannerymen drove the Indians away without justification.

F. A. Seufert, head of the company, was on the stand yesterday and said that the company owned the land at Lone Tree Point and on that account believed it had a right to fish there exclusively. He said the company had warned Sam Williams, an Indian, not to fasten his fish wheel to the land lying places, but when he did so they untied the scoop upon which the wheel was placed. He de-

clared that the scoop had been wrecked by the canners, but that Williams had sought to moor it in the same spot in the river by tying it upstream, where the actual fastening would not be upon the Seufert property, and that the long lines became entangled in the current and the scoop was upset.

Clarence Miller and Horace Young, the negative team, still feel confident in their cause and are anxious publicly to meet their more fortunate fellow students, Charles Cohn and Samuel Weinstein.

There will be a public debate between the two Reed College teams, which recently divided the debating honors of the Northwest with the University of Washington, in the Central Library at 8 P. M., January 31.

The question will be the same as in the Washington debates—"Resolved, that the United States substantially increases its military defenses." The question was successfully defended by the Reed men in the debate at Reed College, but the negative team which

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United States Tread Tires advertisement with logo and slogan 'Used Tires'.

Why 'Usco' - Make something wonderfully good and you say, "This is mine," - you call it by your name. That is exactly our case. We have made a tire so fine, so sturdy, so responsible that we want it known as ours. So we named it 'Usco' (U. S. Co.).

United States Tire Company 'Usco' 'Chain' 'Nobby' 'Royal Cord' 'Plain' Tread "Individualized Tires"

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REED TEAMS TO DEBATE Arguments Will Be on Same Subject Discussed With Washington.

GLYCERINE AND BARK PREVENT APPENDICITIS The simple mixture of buckthorn bark, glycerine, etc., known as Adler-I-ka, astonishes Portland people.

The DOCTOR'S ADVICE Dr. De Lewis Baker. Itching scalp and promote hair growth will be found in the use of plain growth to meet their more fortunate fellow students, Charles Cohn and Samuel Weinstein.

HEILIG TO HELP HOME

"IT PAYS TO ADVERTISE" IS TO GIVE FLORENCE CRITTENTON BENEFIT.

Women Sell Tickets in Advance for Opening Night and Public Is Asked to Assist in Cause.

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"Well, I Should Say 'Gets-It' Does Work"

"Look a' There, If You Don't Think It's Just Wonderful for Corns!"

"Bless my stars, look at it! Land of the living! Why, look at it! That corn came right off—just like peeling bananas. Put your finger on my toe, right there, —don't be afraid—there it is—feel how smooth the skin is! Well, that's where the corn was. Well, that beats all! That's the way "Gets-It" works on all corns, every corn, every time. It's the new, simple way of curing corns. You'll say goodbye to all foolish contractions like bandaging, salves, and grave-diggers such as knives, razors and scissors. "Gets-It" stops pain. Applied in 2 seconds. Never fails. Nothing to lick, to hurt or press on the corn.

"Did You Ever See the Like? No Selling Corn Cure in the World!"

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"Gets-It" is sold everywhere, 25c a bottle, or sent direct by E. Lawrence & Co., Chicago, Ill. Sold in Portland at all stores of The Owl Drug Co.

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