EXTENSION GIFT OF TERWILLIGER BOULEVARD MADE

Donation of a right of way to the city and county for the extension of Terwilliger boulevard so it ultimately will join the Iron Mountain boulevard at Dunthorpe, was offered this morning by F. L. Shull in behalf of the Palatine Acres company.

The donation extends for three-quarters of a mile and a width of 150 feet from a point just south of the Boone's Ferry road southerly along the west slope of Palatine hill to within a short distance of the Clackamas county line. It is the first important gift under the campaign suggested by the city planning commission of "making 1921 a year of gifts to Portland."

OTHER GIFTS COMING

The offer was accompanied by a strong recommendation that the city planning commission accept the donation as an important link in the city's needed boulevard and traffic street system. It is understood that a considerable number of gifts of a similar nature are being planned and that deeds are even now being prepared for transfer of right-of-way property to the city and county.

In detailing the importance of the gift, Charles H. Cheney, consultant engineer for the city planning commission, explained that Terwilliger boulevard now extends from the city limits to the Capitol highway, and that from that point south it is planned eventually to extend it along the ridge all the way to Oswego lake.

OFFER IS MADE

Last year, Cheney said, a formal offer was made for the extension of the highway from Fulton Park to the Taylor's Ferry road, and the land donated by the Palatine company extends to within half a mile of the latter conjunction. From the other end of the Palatine donation it would be only a few hundred feet to Dunthorpe and the Iron Mountain boulevard.

Ira F. Powers, vice president of the commission, has recommended that the county commissioners accept the offer, and says that the proposed route has been surveyed and found to average less than 3 and not greater than 5 per cent grade.

DR. MORRISON WINS VERDICT IN LAWSUIT

(Continued From Page One)

thought the property was worth the $25,000 asked for it. The property was in good condition then. In 1915 Bishop Sumner took office, and he decided that it was was not worth that much.

PRECEPTS ABSENT

"This is an appeal from Bishop Scadding, dead, to Bishop Sumner, alive," Gatens declared. "Dr. Morrison acted as an honest man would," he stated as his conclusion from the evidence.

"The practical application of Christian precepts have been noticeably absent in this case, instituted by the representatives of one of the most powerful churches in the world," he said.

The decision follows:

In commenting on the decision after the reading by Judge Gatens, Charles E. Cochran of counsel for the defense made the following statement:

EXPECTS REVERSAL

"We are going to appeal to the supreme court for our justice and since the learned judge has seen fit to comment on the quality of Christianity practiced by all parties connected with the case, it is sufficient to say that we do not take our religion from such a source. I may add that in my opinion Judge Gatens' decision will be reversed on appeal, which will be taken promptly."

The opinion was as follows:

In 1908 the defendant was one of the trustees of the plaintiff board and sold to the plaintiff 100 acres of land in Yamhill county for the sum of $25,000. The plaintiff claims that defendant made a profit in the sale of the land to the board, which he should not in good conscience be permitted to retain.

INDORSED BY SCADDING

Prior to and in 1918 the then board of school trustees were looking for a site for the purpose of reopening Bishop Scott academy. They desired to locate the school away from the city and Bishop Scadding had requested his co-trustees and others to keep a lookout for such a place.

The defendant's attention was called to the 1015-acre farm of Mr. Bland Herring in Yamhill county. Dr. Morrison proposed to Mr. Herring that he sell to the board 100 acres of his farm upon which were located valuable improvements. Mr. Herring refused, for the reason that he would sell either the whole farm or none at all.

During the early spring of 1908, before leaving for Europe, Bishop Scadding visited the property and was much impressed with its beauty and its apparent availability as a school site.

CONTRACT MADE

There is evidence tending to show that he became enthusiastic regarding it, and piror to his departure for Europe directed some of the trustees to secure the same. Accordingly, on June 23, 1908, the board entered into a contract with Streeter & Morgan for the purchase of the hundred acres of the 1015-acre tract upon which were located three large barns, four small barns, one gristmill, a modern 14-room dwelling house, an electric power plant with dynamo and full equipment for electric lighting, including a large gasoline engine, an adequate sewer and water system, a concrete dam with necessary piping, a blacksmith shop and other improvements, together with a 12-year-old English walnut orchard of about 20 acres, and an orchard of assorted fruits, for the sum of $25,000.

TRACT TAKEN OVER

The defendant then organized, together with E. E. Morgan, the Walnut Grove company, which took over the entire tract of 1015 acres, paying therefor the sum of $40,000. It then sold and conveyed to the plaintiff the said hundred acre tract for the sum of $25,000. It is contended by plaintiff that the defendant withheld the fact that he had any personal interest in the sale of this land to the board. There is no evidence to support this contention. On the contrary, all of the trustees testified that they had some information to the effect that Dr. Morrison had some personal interest in the sale of this land, with the exception of Mr. Ganong, who was advised of same within a short time after his return from the Orient.

The testimony shows that Bishop Scadding said that the property was worth $25,000 and to go ahead and buy it. Rev. P. K. Hammond, one of the trustees, testified that the first information he had as to the exact amount paid by Dr. Morrison and his associate for this land came from Bishop Scadding, who informed him that Dr. Morrison and associates had paid $40,000 for the property.

FOLLOWS ADVICE

The board of trustees followed the advice and wishes of Bishop Scadding in the procurement of this property, he being the head of the church and more interested than anyone else in carrying out the purpose of the trust. Bishop Scadding is dead; and for 13 years no one has questioned the good faith of the trustees who, in 1908, procured this property at his instance and request, or Dr. Morrison's connection therewith.

It is contended by the defendant that the present board of trustees at the behest of Bishop Sumner directed this suit to be brought for the purpose of humiliating and degrading him in the eyes of his parishoners and the public generally.

On March 20, 1918, the present board of trustees adopted the following resolution:

Resolved, That this committee recommend to the bishop of the diocese that he submit the conclusions of counsel to Dr. Morrison for his consideration, and in the event that Dr. Morrison fails within a reasonable length of time to make reparation in a manner satisfactory to the bishop, then legal proceedings to recover damages should be instituted and prosecuted vigorously."

BISHOP PLEASED

From this resolution it is apparent that Bishop Sumner was made the sole judge as to what reparation should be demanded of defendant in order to prevent the institution of legal proceedings against him. At the time this property was acquired, Bishop Scadding was more than pleased with it, and was anxious to secure the same. It seems to be a difference of opinion between Bishop Sumner and Bishop Scadding as to the desirability and value of the land for school purposes. In 1908, when this property was purchased by the board, it was in excellent condition. It had been well cared for, and undoubtedly presented a most beautiful appearance. When Bishop Sumner viewed the property in 1915 it had been sadly neglected and presented an entirely different appearance.

Bishop Scadding had voiced the opinion that the property was worth $25,000. Bishop Sumner does not think that the property is worth what was paid for it, and the present board of trustees has delegated to him the sole power to say what reparation, if any, Dr. Morrison shall make in order to satisfy, not the board, but Bishop Sumner. This is an appeal from Bishop Scadding, dead, to Bishop Sumner, alive. The board of trustees in 1908 and 1917 deferred to the wishes of the bishop, as head of the church, and a court of equity should not lend its aid by decreasing that the judgment and wishes of Bishop Sumner are superior to those of Bishop Scadding. The evidence is conflicting as to whether the property is worth the sum paid for it.

NO CHRISTIAN PRECEPTS

There is no evidence in the case to show that Dr. Morrison acted in a secretive manner as to his interest, or fraudulently withheld from the board or any other person information as to his real interest in the land, or misused the trust fund of the plaintiff to his own personal benefit. Had Dr. Morrison and his associate purchased the 1015 acres for $25,000 and sold the 100-acre tract for the same sum to the board, an entirely different situation would have arisen; but such is not the case. There is no evidence to show that Dr. Morrison acted other than any honest man would have acted under all the circumstances and conditions.

During the concluding arguments of this trial, counsel for the respective parties quoted Holy Writ, applying same to their respective opponents. All the parties to this suit profess Christianity; they are officials of one of the most influential churches in the Christian world—the Protestant Episcopal church—teaching brotherly love, humility, and charity toward all. The practical application of these Christian precepts have been noticeably absent in this case.

CITES HEATHEN'S PRECEPTS

The court commends to some of these Christian gentlemen the words of one who has often been referred to as a heathen—Confucius, who was born 500 years before the time of Christ, as their future guide. This heathen said: "A heart set on love will do no wrong." Again he said: "To breed no wrong in the state and breed no wrong in the home; not to do unto others what we would not they should do unto us." Speaking of Tsu-Ch'an, he said, "His own life was modest; he honored the man whom he served; he was kind in rearing the people; he was just in his callings upon them.' And, again, this heathen said, "There are three duties which a gentleman prises: To banish from his bearing violence and levity; to sort his face to the truth; to purge his speech of the low and unfair."

If some of the parties here had followed the precepts of this heathen, and had entered into the consideration of their apparent troubles with a "heart set on love" and had been "just in their callings" upon others, this case would never have been brought into court, and much of the ill will now apparent among the parties as well as lay members of this good church would have been avoided. They would have been following as well the teachings of Jesus Christ. Some of the parties have failed to practice that which they have been preaching, and in this case have been laughing the teachings of Jesus Christ to scorn; and as the Christian people throughout the world spend millions of dollars annually to Christianize the followers of this heathen, Confucius, in conclusion permit the court to say: Go thou to the heathen and learn Christianity.

HUNDREDS OF FAIR SEX TO SEE FIGHT

(Continued From Page One)

out and $5000 even that Dempsey will win in the fifth by knockout.

Several houses reported having Carpentier money, odds of 1 to 3 being demanded. It was said that Dempsey backers were holding out for 2 to 1.

The last move of the reform league to stop the fight will come today when its complaint will be presented to the Hudson county grand jury. Promoter Rickard was not worrying this morning and indicated it as his belief that the grand jury will not take any action. The Hudson county prosecutor has stated that he will not make any recommendation in the matter, but will simply file the complaint with the grand jury.

SOCIETY WILL BE OUT

Governor Edwards has handed down his last word which was to the effect that there will be no interference with the fight.

Rickard's office has issued a list of the box holders at tomorrow's event. It includes names of men prominent in the world of finance, noted actors and actresses, writers, society leaders, state and federal officials.

From the advance ticket sale it is known that at least 5000 women will be among the spectators. It is believed that there will actually be several times that many. Miss Anne Morgan, Mrs. Harry Payne Whitney and Mrs. Nicholas Longworth (formerly Alice Roosevelt) are some of the leaders in the feminine world who will be present.

J. Pierpont Morgan, Percy Rockefeller, Harry Payne Whitney, Attorney General Daugherty, Assistant Secretary of the Navy Roosevelt, Mayor William Thompson of Chicago, Governor Edwards of New Jersey and United States Senator Shortridge are some of the noted figures who have engaged reservations.

EX-CHAMPS SCARCE

The fistic world will be well representend. Virtually every present-day champion, with the exception of Benny Leonard, will be on hand as a guest of Promoter Rickard. Leonard's absence is due to the fact that he defends his title July 4 in Benton Harbor, Mich.

Of the past heavyweight champions, James J. Corbett probably will be the only representative. He will be at the ringside to report the battle for the International News Service. He was also invited to be a guest of the promoter, as were all other past champions.

Jeffries declined, as he could not find time to make the trip.

Willard also replied that he was too engrossed with business affairs.

Jack Johnson wanted to come, but his sentence in the Leavenworth federal prison has not yet expired and the attorney general refused to take any action to bring about his release ahead of time.

TO FLASH NEWS

The stage probably will have the largest representation of any class outside of the newspaper profession. Douglas Fairbanks is heading a big crowd coming from the motion picture studios of Southern California. Charlie Chaplin will be among those present. The New York colony of thespians will move on Jersey City almost en masse.

Rickard set aside 700 tickets for active working newspaper men. There probably will be that many more, also actively working, who bought tickets when they found out the free supply had run out. Wires at the ringside will flash the results all over the globe. The cable companies have arranged to put fight flashes ahead of everything else and the result of the fight will be known in London and Paris one minute after the battle is over and in other parts of the globe almost as quickly.

About 700 ushers have been employed to guide the ticket holders. These ushers were assembled in the Jersey City hall last night and given their final instructions on how to act. A jam is expected at the gates, as it is known that hundreds of spurious tickets have been circulated. Rickard has advised everyone who is in doubt about the ticket they hold to present it at Madison Square Garden today and officials there will examine and advise whether it is genuine.

The engravers who made the genuine tickets will be on duty at the arena and whenever two tickets are presented for the same seat they will be called upon to determine which is genuine.

A "dead line" will be drawn four blocks around the arena early tomorrow morning and no one will be passed inside of that line without a ticket. The general admission gates will be thrown open at 9 o'clock. Rickard hopes in that way to get a great many seated before the big rush begins about noon.

CITY WILL HELP BERRY GROWERS MARKET BIG CROP

The city council and Market Master Eastman are to cooperate with the berry growers in territory adjacent to Portland for putting crops on the local market without the aid of the middleman. The purpose is to aid the berry growers in saving their crops and encouraging housewives to do extensive canning while sugar is at a low price and berries are plentiful.

It is planned to open Yamhill street between Front and First streets as an exclusive berry market.

COOPERATION PROMISED

The matter was brought before the council this morning by the agricultural committee of the Chamber of Commerce and E. E. Toul of the Gresham Cooperative Berry Growers' association. The spokesman for the chamber committee was Judge George E. Stapleton.

The committee asked that the city provide a special marketing place and that it encourage the banks to aid the packing plants in handling berries.

Members of the council assured the committee of their desire to aid in the plan, but declared they would require positive assurance that a berry supply would be available to guard against such a fiasco as was created in connection with the Hubbard strawberry growers' proposed marketing.

PRICES FIXED

Assurance was given by Toul that the association would supply all the berries that could be used. Later, in conference with Market Master Eastman, the following schedule of prices was agreed upon: Raspberries, $1.35 a crate; black caps, $1.50; loganberries, $1.10, and blackberries, $1.10.

It was stated that these berries will not be available for sale at the new market place before next Tuesday.

CURB MAY BE CUT BACK TO ASSIST TRAFFIC MOVEMENT

As one means to aid the more speedy movement of traffic the city engineer will cause a survey to be made at Second and Madison streets to determine if it is practicable to cut back the curb on the south side of the street to allow the passage of automobiles toward the bridge when street cars are turning onto Second street. At present the swing of the street cars prevents passage of other vehicles until the turn is completed.

TRUCK DRIVERS DISOBEY LAW, COUNCIL IS INFORMED

City Commissioner Mann called attention of the city commissioners this morning to the fact that no attempt is being made by motor truck drivers to comply with provisions of the state law requiring that their trucks shall be equipped with mirrors to give a rear view, and it was declared that steps will be taken to see that this is strictly enforced.

Several recent accidents, it is said, would have been avoidable had such equipment been carried, one of which was the wrecking of a large street clock.

New Bus Rule Adopted

An ordinance regulating the loads that may be carried by for hire cars was passed by the city council this morning on recommendation of Commissioner Mann. This provides that not more than two persons besides the driver may occupy the front seat in automobiles with bus bodies and not more than one person beside the driver in touring cars.

Fight Planned for Kerby

Yakima, Wash., July 1.—A petition for a rehearing in the case of Elvie Kerby, Wapato youth sentenced to die for his share of the murder of Sheriff Til Taylor of Umatilla county, will be filed, according to Kerby's attorney, C. F. Bolin of Toppenish.

Driver Whose Auto Ran Down 3 Persons Is Still at Large

Traffic patrolmen and city detectives have been unable to find any trace of the unidentified driver of an automobile which ran down three pedestrians Thursday night at 11 o'clock on Eighty-second street near Seventy-third avenue. The victims were thrown to the ground and momentarily stunned. No one got a description of the driver or the number of the automobile.

Miss Ila Gee, 17 years old, suffered severe shock and bad cuts and bruises. She was first treated at the emergency hospital and later removed to the home of her sister, Mrs. O. J. Celorie, 8054 Sixty-third avenue, who was herself badly bruised. Philip Drake, 21, 6024 Eighty-ninth street, was cut about the back, legs and head.

The three were walking along a strip of dirt road beside the pavement, when the automobile ran up behind them and struck them down without warning, according to reports made at police headquarters.

Witnesses stated this morning that there was ample room for the automobile to pass without striking the pedestrians, who were entirely off the paved section of the road.

S. P. Co. Employes Load Swan to Limit

Many employes of the Southern Pacific Railway company who had intended to join the dancing excursion of S. P. employes aboard the barge Swan Wednesday evening, were unable to join the party because of the crowd which attended. The maximum accommodation of 550 people was reached long before the vessel was scheduled to depart. The excursion was held to obtain funds for the formation of an employes' club. A mass meeting of employes will be held soon so that an organization may be perfected.

Rolling Log Kills Boy While at Play in Surf

Seaside, Or., July 1.—Robert Taylor, 6-year-old son of Mr. and Mrs. Leslie Taylor of Poritand, was killed Thursday while bathing in the surf at Sunset beach. A log, on which he was playing, rolled over him, crushing his body.

MAN HURT IN AUTO WRECK RECOVERING

Nurses at St. Vincents hospital reported this morning that Gustave A. Trost Jr. of San Francisco, who was badly injured Thursday afternoon when an automobile he was driving ran over an embankment near Scappoose on the lower Columbia highway, killing one passenger, was improving slowly and had a good chance to recover. Trost was crushed about the chest and has internal injuries. An operation performed Thursday night was successful, nurses stated.

Mrs. Gustave A. Trost Sr., his mother, is also at St. Vincents with slight lacerations and bruises. She was much better this morning. The body of Mrs. Clara Kremm Trost, 30 years old, wife of Carl Trost, and a sister-in-law of the injured man, will be taken to San Francisco, it was announced.

Mrs. Clara Trost was fatally injured when the automobile skidded over the embankment pinning the five occupants to the ground. She was placed in a passing truck and rushed to Portland but died before she reached a hospital.

Dr. Earl Smith, county coroner, announced that the coroner of Columbia county, where the accident occured, said no inquest would be held, since there appears to be no criminal negligence entering into the accident.

Two other brothers, Carl, the husband of the woman who was killed, and Arthur Trost escaped without injury. The party of five were motoring from British Columbia to California. Gustave A. Trost Jr. is the manager of Fleischhacker & Co., a paper box manufacturing firm.

Lime Shipments to Be Made Available

Oregon is again prepared to supply its agricultural interests with lime, according to a message received this morning by the department of domestic commerce of the Chamber of Commerce from A. B. Condley, secretary of the Oregon state lime board. Condley says that the board's plant at Gold Hill is again in operation and that lime is now available for immediate shipment.

Bobby Evans of the Boxing Commission Accused of Larceny

Bobby Evans, matchmaker for the Portland boxing commission, and Bert Hughes, formerly of some local note as a boxer, were arrested this afternoon on complaint of Mrs. C. C. Culp of 730 Hoyt street, on charges of larceny. Federal authorities have been notified also to investigate reported fraudulent use of the mails.

Mrs. Culp alleged that she had pawned a valuable diamond ring in Seattle. Some one stole the pawn ticket, she said, and when she undertook to redeem the ring, the pawnbroker told her it had already been redeemed by G. T. Cummings. Cummings lives at the same boarding house as does Mrs. Culp. Police questioned Cummings and found him innocent, but also discovered clues that led to the arrest of Evans and Hughes.

Police said that Hughes had confessed to stealing the ticket and turning it over to Evans, who, according to the charges, forged Cummings' name to a letter and sent for the ring. It is also alleged that he signed Cummings' name to the registered letter receipt when the ring was received from Seattle.

Road to Newport Is Passable

Newport, Or., July 1.—Although heavy rains in this section have made the roads muddy in spots, motorists with cars need have no fear and with 48 hours of summer weather the roads will be thoroughly dried.

"111" ONE-ELEVEN 20 cigarettes 15¢ The American Cigarette

You Know You Can Pay

$10 Monthly

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For This $525 New Piano

When We Now Sell It to You

For $395 $15 Sends It Home! Musical Education Secured

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Buys Used $75, $195, $295 to $395 Pianos

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You can afford to pay $15 cash, $6, $8 and $10 monthly. You can therefore afford to buy now during Anniversary Sale. "45 Years in the Piano Business." Your old piano, organ, phonograph or city lot taken as first payment.

101-103 Tenth St. at Washington and Stark Sts. Schwan Piano Co. Portland's Largest Piano Distributors

"Worn the World Over"

Seven men met—

in the smoking salon of a transatlantic liner. And they were all of different nationalities—French, English, South American, Spanish, Italian, Etc. The inevitable American was there, too, the center of the group.

Port were cocked up, everybody at ease. And the American smiled as his quick eye took in a significant fact.

"I say you are wearing the

Boston Garter

Velvet Grip

said he to the South American, "where did you buy them—New York?"

"No—at home." Then they all joined in and it developed that every man present wore the Boston Garter. Nothing surprising in this, however;—for many years it has enjoyed world-wide popularity. Why? Well, probably because no manufacturer ANYWHERE has ever matched the Boston Garter for QUALITY which has made it FIRST.

GEORGE FROST CO., BOSTON, Makers of the Velvet Grip Hose Supporter for Women, Misses, Children and Infants.

"THE WOMAN GOD CHANGED"

Positively the most unique film you have ever seen. Try to get in at the start—11 A. M., 12:30, 2:15, 4:00, 5:45, 7:30 and 9:15 P. M. It's a Paramount and Knowles and the Picture Players will play a special score.

COLUMBIA

Paramount or Famous Players-Lasky

TODAY

NEW SHOW NEW SHOW

ADDED ATTRACTION

SCREENLAND NEWS

The first issue of Portland's own news reel—made in Oregon, showing scenes of local interest. Photographed by Sandy's and edited by Zach Moseby. You'll get a kick out of it!

BROADWAY

Last Times Today

JACKIE COOGAN in "PECK'S BAD BOY"

HERE IT IS!

THE GREATEST OF ALL SATURDAY EVENING POST YARNS

CHARLES RAY "Scrap Iron"

A laugh, a thrill or a sob in every moment of Charles E. Van Loan's great boxing story.

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STARTING SATURDAY

Keaton's $500.00 Prize Contest Sunday

Tomorrow SATURDAY EVENING 8:15

FOR EIGHT DAYS

With Two Shows Daily Thereafter at 8:15 and 8:15 P. M.

"How Sharper Than a Serpent's Tooth Is to Have a Thankless Child."

THE PREMIERE PRESENTATION OF THE WORLD'S GREATEST SCREEN CLASSIC IN THE NORTHWEST

WILLIAM FOX Presents

"OVER THE HILL"

ADAPTED FOR THE SCREEN FROM WILL CARLETON'S FAMOUS "FARM BALLADS"

THE BRIGHTEST SPOT OF THE THEATRICAL YEAR—NOW IN ITS 40th WEEK IN NEW YORK CITY

GET YOUR RESERVED SEATS NOW!

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