

The Weather —OREGON—
Fair and mild; moderate west to north winds, on the coast. Tuesday—Max. 56; Min. 39; River 2.3 stationary; Rainfall .01; Atmosphere cloudy; Wind southwest.

The Oregon Statesman

Advertisement—noun—derived from the word advert—meaning "to turn toward." To turn toward what? Trustworthy goods at trustworthy prices. Don't miss the advertisements.

SEVENTY-FOURTH YEAR

SALEM, OREGON, WEDNESDAY MORNING, MARCH 18, 1925

PRICE FIVE CENTS

SHEPHERD NOW CHARGED WITH BOY'S MURDER

Testimony of "Prof." C. C. Fariman, Former Delivery Wagon Driver, Results in Indictments

TRUE BILLS DECLARED TO HAVE BEEN ENTERED

Grand Jury Investigation States Shepherd Killed Young McClintock

CHICAGO, March 17.—(By the Associated Press).—True bill's charging murder were reported to have been voted late today in the grand jury investigation of rich young William Nelson McClintock's death last December 4 from typhoid fever.

Previously Robert E. Crowe, state's attorney, had announced the grand jury would be kept in session until William D. Shepherd, McClintock's foster-father and chief heir of his estate of approximately \$1,000,000, and C. C. Fariman, former delivery wagon driver, but more recently head of a school of bacteriology, had been charged formally with responsibility for the youth's death.

Large Sum Promised
Fariman followed up his confession of the early morning that for a promised \$100,000 from the McClintock estate he had provided typhoid fever germs and schooled Shepherd in administering them to McClintock by signing a waiver of immunity and going before the grand jury.

The dapper little claimant of three degrees from universities which denied his pretensions, was before the inquisitorial body one hour and forty five minutes.

He was followed by Harry Olson, municipal chief justice, who started the McClintock investigation shortly after the youth died.

Terms Discussed
Dr. George Fosberg, who had reported Shepherd discussed germs and subtle poisons with him, and J. W. Marchand, former agent for Fariman's national university of sciences, who told of a letter Shepherd had written regarding a course in bacteriology, were yesterday's witnesses. It is expected the indictments will be returned in court tomorrow morning.

Mr. Marchand has not spoken under long hours of questioning while Mr. Crowe has held him admittedly without warrant of law.

The state authorities today planned exhumation of the body of Mrs. Emma Nelson McClintock whose death placed the "millionaire orphan" in the hands of the Shepherds and also of the body of Dr. Oscar Olson, brother of Judge Olson, who died suddenly after eating fruit taken by Shepherd who visited the physician while he was mildly indisposed.

Edwin Hedrick, who as attorney for Shepherd, fought hard all during the long inquest and accused Judge Olson of forcing the issue because of "regrettable mental condition," today withdrew from Shepherd's defense. He announced his withdrawal did not indicate a

(Continued on page 2)

EPIDEMIC STRIKES ALL FRATERNITIES

Between 70 and 75 of Students Living in Groups Are on Sick List

The faculty of Willamette university took no official action in regard to the influenza epidemic that is seriously interfering with the class work at the university. The faculty met at 4 o'clock yesterday afternoon.

A canvass of the fraternities and sororities of the campus revealed that 70 or 75 students from the houses were unable to attend classes yesterday. This does not include those staying at the woman's dormitory or those living outside of the houses. Twelve of the students were forced to return to their homes until they recover from the effects of the epidemic.

In all probability the class work will continue until Friday evening at which time the university will dismiss for a week of spring vacation.

Trusty Gets Lost and Telephones to Warden for Return to Prison

Prison authorities are on the lookout for the unusual but last night had a new one sprung upon them by "Honest" Abe Evans, lifer, who wandered around the city last night until he was hopelessly lost and then had someone telephone to Warden A. M. Dalrymple to come after him.

Evans has been a trusty for some time and assigned to the task of hoeing strawberry plants. After supper last night he went back to his work but soon got to worrying about his children, he told the warden, and decided to take a little walk before reporting inside the walls.

Unfamiliar with the city, Evans wandered around until he realized that he was lost. Alone in a strange city and a cold night offered no rosy illusions for the trusty and a nice warm cell, in comparison anyhow, suddenly presented an appeal that could not be denied.

Perhaps the vision of Warden

Dalrymple sitting disconsolately in his office wondering about "Where Is My Wandering Boy Tonight?" had something to do with the situation.

At any rate, when Evans realized his predicament, he stopped at the nearest house, which happened to be that owned by D. A. Larmer, 906 North Front, a distance of nearly two miles from the prison, made himself known and asked if they would not telephone to the warden where he was and to hurry after him.

The request was granted and Mr. Larmer engaged Evans in conversation until the private high powered taxi operated by the prison called at 906 North Front for the waiting passenger.

Evans was under sentence of death several months ago but was saved from the gallows by clemency extended by Governor Pierce, who commuted his sentence to life

(Continued on page 2)

ASSAULT MADE ON US CONSUL

Tacna-Arica Arbitration Results in Uprising in Peru; Embassy Guarded

WASHINGTON, March 17.—Peruvian dissatisfaction over President Coolidge's recent award in the Tacna-Arica arbitration has mounted to such disquieting proportions that there is much sober speculation here as to what turn the situation eventually may take.

The American embassy at Lima already is under a special guard of Peruvian soldiers after one assault from a crowd of anti-American demonstrators; Hernan Velarde, the Peruvian ambassador in Washington is said by some of his Latin-American colleagues to be on the verge of departing for home; the Peruvian president has accused President Coolidge of unjustly favoring Chile in his award and there have been indications that at least one powerful section of Peruvian opinion is consolidating behind a move to ask for a new hearing.

Peru's policy of supervising outgoing news dispatches has prevented full details from reaching the outside world through ordinary channels, and the Peruvian embassy denied it had any official advice as to the disturbance described in messages reaching other quarters here from trustworthy sources. The state department likewise has refrained from facts which are available here that anti-American feeling in several Peruvian cities has attained an unexpected attitude.

Governor Pierce, in a proclamation issued here tonight, urged the citizens of Oregon to join with those of the state of Washington in the observance of the 100th anniversary of the founding of Fort Vancouver.

The anniversary of the founding of the historic fort falls on Thursday and will be observed by a banquet and other appropriate ceremony. Governor Pierce will be among the Oregon officials who will attend the banquet.

"The state of Washington," said the governor's proclamation, "will on Thursday, March 19, commemorate the 100th anniversary of the founding of Fort Vancouver, at Vancouver, Wash."

"The history of our own state is inseparably interwoven with the story of those sturdy pioneers who founded Fort Vancouver, and it is fitting that we join with those who will on Thursday commemorate this historic date.

"Therefore, I, Walter M. Pierce, as governor of Oregon, do hereby extend our felicitations to our neighbor state, and I request that our various civic and commercial organizations join in appropriate expressions of good will."

SALEM STREETS ARE DISCUSSED

Meeting Held at Chamber of Commerce Looking Toward Better Numbering

Some of the streets in Salem just stop and go nowhere. Other streets run about one block and then quit, while many streets have no names at all. Even River street runs away from the river.

This was noted last evening at a meeting held at the Chamber of Commerce of the street committee of the city council, a committee of the Marion-Polk County Realtors' association and a committee from the Chamber of Commerce. The meeting was called by the Chamber of Commerce to discuss ways and means of having houses correctly numbered.

Everyone who has attempted to find houses by numbers, has run into all kinds of trouble in almost all parts of the city, it was reported.

There is a Fir street in the south part of the city and then a very short Fir street in the north central part of Salem. Houses on the south side of Burlington addition are numbered as in the 20th block, while a short distance north in the same addition, houses have the number of the 18th block.

In one section in north Salem

(Continued on page 2)

FIRST ADDRESS BY POLING INSPIRING

Large Crowd Attends Special Services at First Presbyterian Church

"Why I Believe the Bible Is God's Inspired Word" was the challenging topic of the Rev. Charles S. Poling last night at the First Presbyterian church. "I freely admit that the Bible has in it many things I do not understand," he said, "but this is no reason at all why I should not believe in the Bible."

The speaker professed that it would be his honest purpose to stick to facts only in giving his faith in the Bible.

"I can believe anything in which God has His part, when we count God in nothing is impossible. Remember that and you won't have any more trouble with your doubts, when it is a choice between what Jesus Christ said and the expressed doubts of modern criticism, I never think twice," announced Mr. Poling. He further said:

"If God is an intelligent creator, proof of which the universe is full, of logical necessity he must have a program for his creatures. The Bible claims to be that plan. Twice has it justified its claim. 'The Bible has been the very foundation of civilization. Destroy this book and you destroy civilization. I believe the Bible because of what it has done for the good of the world.'"

"We kind of people who believe and who have believed the Bible are satisfying reasons for believing the Bible is God's word to man. The most brilliant, the most humble and every other kind

(Continued on page 2)

SARGENT WINS ATTORNEYSHIP; SENATE AGREES

Controversy Over Post Ended By Appointment; Confirmation By Senate Is Not Delayed

RECESS APPOINTMENT REJECTED BY WARREN

Coolidge Says John G. Sargent Is Excellent Man for Position

WASHINGTON, March 17.—The controversy between President Coolidge and the senate over the attorney generalship ended very abruptly today with the nomination of John G. Sargent of Vermont for the post and his prompt confirmation by the senate.

Mr. Sargent, a former attorney general of Vermont and a close personal friend of the president, was selected after Charles R. Warren of Michigan, whose nomination twice was rejected by the senate, had declined to accept an offer of a recess appointment.

At the moment that Mr. Sargent's name was transmitted to the senate the White House made public an exchange of correspondence between the executive and Mr. Warren which disclosed that the offer of such an appointment had been tendered yesterday after the senate had acted unfavorably upon his name.

Mr. Warren wrote the president that he was unwilling to prolong a political controversy which might lessen Mr. Coolidge's "opportunity for full usefulness to the nation and possibly interfere with your making wholly effective your policies."

Announcement of the selection of Mr. Sargent, who lives in the little village of Ludlow, near the president's birthplace, was made after Coolidge had conferred with the republican and democratic floor leaders in the senate. He was unwilling to submit the name until he had been assured that his old friend would not be subjected to the hazard of such an attack as was made on Mr. Warren.

Immediately upon receipt of the nomination the senate moved swiftly to dispose of it. Chairman Cummins of the judiciary committee took the unusual course of laying the appointment before the body in open session, and then called a meeting of his committee to act upon it.

There was little discussion in the committee, Senator Dale, republican, Vermont, appearing on behalf of Mr. Sargent, explained that he would bury "political differences" with the nominee because the issue was "above political controversy."

(Continued on page 2)

LAND OFFICES ARE TO BE ABOLISHED

Coolidge Signed Order Closing Offices; La Grande and Burns Affected

WASHINGTON, March 17.—Twenty-eight local land offices were abolished in an executive order signed today by President Coolidge. The order is effective April 30 and brings to 39 the number of such offices discontinued in the last two months.

Decline in public land business was given as the reason for discontinuance. The offices to be closed include those at Hatley, Idaho; Glasgow, Havre, Helena, Missoula, Bozeman, Lewistown, and Miles City, Montana; La Grande and Burns, Oregon; Waterville and Yakima, Wash.

In Montana, where seven offices are eliminated, only two, those at Great Falls and Billings will be retained to handle the state's public land business. The functions of the offices eliminated in Kansas, Michigan, Mississippi and Wisconsin, will be handled in the future through the general land offices in Washington, and in the other states the business of the abolished offices will be turned over to the other branches in the same states.

SWARTZ DEATH ACCIDENTAL IS JURY FINDINGS

Inquest Lasting Two Days Completed Late Tuesday Afternoon; Verdict Returned in Few Minutes

SHORT FUSE LENGTH IS HELD DANGEROUS

Expert Powder Man Testifies That Proper Precautions Were Not Taken

Fred M. Swartz, who was killed in a dynamite explosion on the Salem-Jefferson road early Saturday morning, met death by an accident, according to the findings of the coroner's jury, which has been investigating the case during the past two days. The jury considered the evidence only a few minutes before reporting the verdict Tuesday afternoon.

Witnesses examined by the jury brought out the fact that Swartz had met his death by an explosion of dynamite which had occurred while he was preparing to blast a stump from near the highway. E. B. Monson, truck driver for the Marion Creamery company, one of the first to view the body of the dead man, Herb Spark, E. W. McDonald, neighbors, and Deputy Sheriff Bert Smith appeared on the stand in addition to Mrs. Edna Swartz, widow of the dead man, and Edwin Swartz, son of the deceased.

E. B. Gabriel, expert powder man, testified that the length of fuses used by Swartz were too short and therefore dangerous. From the manner of blasting the stump, the handling of the powder by trying it to a stick, which was to be used in pushing the explosive into the hole after the fuse had been lit, the anxiety of the dead man to do the blasting in a manner not to obstruct traffic on the highway pointed to a death that was accidental. The position of the hole in the stump, the preparation of the shot, and all of the contributing factors indicated to the jury that the man had met death in the manner stated.

A web of opinion had formed in the community pointing against the dead man. He was said to have had knowledge of how H. H. Keunzli, a brother-in-law, met death about a year ago. So strong was this sentiment that special investigators from the attorney general's office have been in the field, but nothing definite was determined. A cloud of suspicion, surmise and opinion was uncovered, all of which were shunted into the background by the findings of the coroner's jury.

HOSPITAL GROUND GATE IS CLOSED

Joyriding, Passing Into History; Shed Is Wanted for Automobiles

Joyriding and parking on the state hospital grounds is about to be a pastime of the past, Dr. R. E. Lee Steiner, superintendent of the state hospital told members of the board of control Tuesday. Gates on the road leading from the penitentiary to the hospital were closed last night and others leading from the streets to the grounds will be ready to lock up at night within a week, he said.

Confronted with the problem of parking automobiles, Dr. Steiner presented plans for a shed 20 by 200 feet to accommodate 30 vehicles. There are at present 22 privately owned automobiles parked at various places in the immediate vicinity of the hospital, coming and going at all hours of the day and night. These, when grouped around the entrance, are a source of much annoyance, Dr. Steiner said.

The board agreed to Dr. Steiner ordering the necessary material to construct the building, but suggested that perhaps it might present a better appearance if the building were shortened and the vehicles parked in double instead of a single row.

Dr. Steiner suggested the space between the nurses' home and the receiving hospital as the future site. The board will visit the grounds and determine the exact location of the shed.

Mine Blast Kills 33; Recovery of Bodies Declared Impossible

FAIRMONT, W. Va., March 17.—Thirty-three men were believed to have been killed tonight in an explosion which wrecked Mine 41 of the Bethlehem mines corporation, three miles west of here.

The explosion occurred between 9:30 and 10 o'clock and at first it was believed all or part of the men were alive. At midnight, however, Mine Superintendent Benton Mitchell said he believed all the men were dead and that the entire mine was on fire.

It was believed the explosion, one of the most terrific in the Fairmont mining region was caused by ignited gas. First reports indicated that a dynamite bomb had been dropped into the shaft.

By midnight the electric light plant of the mine, which was wrecked by the blast, was in operation again, one of the two main fans was in operation and a bucket was being rigged to send rescue men to the bottom.

The blast wrecked the structure above the mine, debris falling into the shaft. Rescue workers said it would be necessary to clear away this fallen timber and steel before they could penetrate to the bottom and learn definitely whether any men were dead.

Belief that the fire had spread to every part of the mine caused the workers to virtually abandon hope of finding the miners alive. It was pointed out, however that some of them probably were working a mile or more from the shaft and if the fire had not spread to all quarters these men might have been spared.

R. M. Lambie, chief mine inspector of West Virginia, scouted the belief that a dynamite bomb caused the explosion. The mine was operated on a non-union basis, but no serious labor troubles have developed in this region recently.

The mine is located on the Bal-

(Continued on page 2)

STATE RESTS IN OIL TRIAL

Counsel for Government Does Not Call Former Secretary to Stand

CHEYENNE, Wyo., March 17.—(By the AP.)—With its battle for annulment of the Teapot Dome naval oil reserve lease completed the government late today rested its case with the contention that it had proved the existence of a conspiracy between Albert B. Fall, former secretary of the interior, and Harry F. Sinclair, lessee of the big oil field.

The refusal of M. T. Everhart, Pueblo rancher, to testify today, caused government counsel to rest its case without calling the former cabinet official to the stand, Owen J. Roberts said tonight.

"If I had been able to have gleaned any information from Everhart connecting Mr. Fall with the passage of bonds between Sinclair and himself, I would have called him immediately and put the direct question to him as a matter of record," Mr. Roberts said. "Otherwise there was no reason for placing Mr. Fall under oath. I had no desire to call him just merely to see him take the stand."

Striking back at the moment the government rested, J. W. Lacey of counsel for defense, the Mammoth Oil company, asked the court to wipe out of the record all evidence regarding the alleged passage of liberty bonds from the Continental Trading company, said by the government to have been organized for the benefit of Sinclair and others, to Fall on the ground that nothing in the government's evidence had connected Sinclair or the Mammoth Oil company with the liberty bond transactions. Mr. Lacey's objection was overruled when he made the statement in reply to a question by Federal Judge T. Blake Kennedy, that the defense would be willing to stand on the record made in the government's side of the case and take chances on the government's evidence failing to convince the court of any connection between the liberty bonds and Sinclair.

Judge Kennedy overruled the motion to strike after Mr. Lacey had made that statement.

MAN IS HELD FOR RANCHER'S DEATH

Bert Hill Arrested in Ashland, in Connection With Murder in Weed

YREKA, Cal., March 17.—Bert Hill, wanted here for the murder of Fred Smith last October, was brought here today from Ashland, Or., by Sheriff A. S. Calkins and three witnesses who had recognized Hill in Ashland, and removed him to Yreka in an automobile before he could arrange for any procedure to block his arrest. Hill is charged with beating his aged benefactor, Smith, to death with a club and stealing his belongings.

ASHLAND, Or., March 17.—A man answering the description of

(Continued on page 2)

PUBLIC SCHOOL CASE DEBATED BEFORE COURT

Contentions of State Declared to Meet With Little Success; Moore Presents Arguments

MAY FRAME AMENDMENT IF BILL MEETS DEFEAT

Interest Runs High; Constitutional Amendment Is Discussed

WASHINGTON, March 17.—The concluding oral arguments in the supreme court on the constitutionality of the Oregon law requiring children between 8 and 15 years of age to attend state schools, brought further questions from the justices today which indicated to an intensely interested audience that contentions in behalf of the act were meeting with little success.

The arguments for the state, which is appealing from decisions enjoining enforcement of the law obtained in the federal district court for Oregon by the society of the Sisters of the Holy Name of Jesus and Mary, and the Hill Military academy, were presented by W. S. Moore, assistant attorney general of Oregon, former senator, George E. Chamberlain and A. H. Putney, while the prochnal and private school groups, represented by William D. Guthrie, J. P. Kavanaugh and John C. Veatch.

May Draw Amendment
If the court should take jurisdiction in the case and uphold the decision of the lower court, counsel for the state asserted that a constitutional amendment would be proposed to give states complete control over the education of children.

They argued, however, that having decided that the states have control over the labor of children, the supreme court in such a decision, must go a step further and declare they already possess a similar right to control education.

Rights Are Detailed
Constitutional questions relating to the rights of property and personal liberty, the guarantees of religious freedom, and the control of parents over the education of their children, which were touched upon in the opening arguments yesterday, were enlarged upon today, the two sides disagreeing completely as to the effects of the law in these respects.

Allusions to "conditions" prevailing in Oregon without any explanation of those conditions were frequent, particularly in the arguments of counsel for the state, who insisted that they were such

(Continued on page 2)

LEVENS TAKES OFFICE HERE

State Prohibition Department Will Be Located in State House Quarters

Headquarters for the state prohibition department will be located in the state house, William S. Levens, prohibition commissioner, who assumed office Tuesday, announced after a conference with Governor Pierce and Sam Koser, secretary of state. The offices will be in the rooms back of the senate chamber, formerly occupied by the bonus commission, which will remain down town. About half a dozen clerks will be employed in the office.

Under the regime of George L. Cleaver, former state prohibition commissioner, headquarters were established in the Northwestern bank building in Portland. The state must give up these quarters April 1.

City ordinances now existing provide much lighter penalties than the new state law created by the last legislature. Mr. Levens said Tuesday. In his opinion local magistrates may impose penalties according to the ordinances but that the state has the right to step in and impose the heavier penalty prescribed by law.

Under the new law drunken automobile drivers must pay a minimum of \$100, 60 days in jail, lose their license for a year and the use of the automobile for 30 days upon conviction of a first offense. Severe penalties are available for a repetition of the offense.

COUNTY ROAD IS BEING ADVOCATED

Board of Control Hears Both Sides But Defers Action Until Later

Members of the county court, Mrs. Ida Patterson, superintendent of the girls' industrial school and other interested parties appeared before the board of control Tuesday in an effort to reach some agreement relative to the establishment of a county road across a portion of state land connected with the girls' school. Objections to the present route were raised by Mrs. Patterson.

The road will be about two miles long and connect the road leading to the girls' school with that going to the feeble-minded school and the boys' training school. It will serve to form a loop connection between the institutions and is needed according to County Road Master Culver.

No agreement was reached yesterday and the matter was taken under advisement until the situation is studied more carefully and the possibility of another site gone into in an effort to eliminate the objections raised at present.

Y MAN DIES
SEATTLE, March 17.—James Slatone, 34, one of the organizers of the Seattle Young Men's Christian association, died today at his home in Kent, midway between Tacoma and Seattle.

STATE RESTS IN OIL TRIAL

Counsel for Government Does Not Call Former Secretary to Stand

CHEYENNE, Wyo., March 17.—(By the AP.)—With its battle for annulment of the Teapot Dome naval oil reserve lease completed the government late today rested its case with the contention that it had proved the existence of a conspiracy between Albert B. Fall, former secretary of the interior, and Harry F. Sinclair, lessee of the big oil field.

The refusal of M. T. Everhart, Pueblo rancher, to testify today, caused government counsel to rest its case without calling the former cabinet official to the stand, Owen J. Roberts said tonight.

"If I had been able to have gleaned any information from Everhart connecting Mr. Fall with the passage of bonds between Sinclair and himself, I would have called him immediately and put the direct question to him as a matter of record," Mr. Roberts said. "Otherwise there was no reason for placing Mr. Fall under oath. I had no desire to call him just merely to see him take the stand."

Striking back at the moment the government rested, J. W. Lacey of counsel for defense, the Mammoth Oil company, asked the court to wipe out of the record all evidence regarding the alleged passage of liberty bonds from the Continental Trading company, said by the government to have been organized for the benefit of Sinclair and others, to Fall on the ground that nothing in the government's evidence had connected Sinclair or the Mammoth Oil company with the liberty bond transactions. Mr. Lacey's objection was overruled when he made the statement in reply to a question by Federal Judge T. Blake Kennedy, that the defense would be willing to stand on the record made in the government's side of the case and take chances on the government's evidence failing to convince the court of any connection between the liberty bonds and Sinclair.

Judge Kennedy overruled the motion to strike after Mr. Lacey had made that statement.

MAN IS HELD FOR RANCHER'S DEATH

Bert Hill Arrested in Ashland, in Connection With Murder in Weed

YREKA, Cal., March 17.—Bert Hill, wanted here for the murder of Fred Smith last October, was brought here today from Ashland, Or., by Sheriff A. S. Calkins and three witnesses who had recognized Hill in Ashland, and removed him to Yreka in an automobile before he could arrange for any procedure to block his arrest. Hill is charged with beating his aged benefactor, Smith, to death with a club and stealing his belongings.

ASHLAND, Or., March 17.—A man answering the description of

(Continued on page 2)

TUESDAY IN WASHINGTON

John G. Sargent of Vermont was nominated and confirmed attorney general.
Charles B. Warren announced he did not desire a recess appointment as attorney general.
Jacob Gould Schurman, minister to China, was nominated and confirmed ambassador to China.
Arguments were concluded before the supreme court on the Oregon compulsory education law.