

The Oregon Statesman

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PRICE FIVE CENTS

M'MAHAN DELIVERS LEGAL BROADSIDES

Technicalities Demanding Too Much Time of Courts Through Country

MINOR THINGS STRESSED

Dotting of "I" Has Nothing To Do With Principle Involved in Action Brought by H. C. Shields

Overruling the demurrer of Henry C. Shields in his attempt to obtain an injunction against the Marion county court, relative to the construction of a grade crossing over the Southern Pacific at Jefferson, Judge L. H. McMahan delivered a broadside against legal technicalities, which, he declares, occupy one-third of the time of courts in this country.

"Whether an 'I' is dotted, or a 'U' crossed may gain consideration in some courts," Judge McMahan declared, "but not in this one. There is nothing to show that any person had been misled or injured in the slightest degree, and there is no reason that the county should be put to a great and needless expense and the county business held up indefinitely."

The action started by Shields against the county court grew out of the proposed overhead grade question at Jefferson. The county had the road surveyed, and viewers and assessors covered the territory, determining the damage that should be paid property owners whose land was to be crossed by the road. Assessors placed the damage to the Shields property at \$600, and a warrant was issued for that sum. Shields, however, protested, and asked damages of \$3000. This was denied by the county court, and an injunction was asked by Shields, with the result of Judge McMahan's decision.

The demurrer made by attorneys for Shields was based on the declaration that the papers did not designate W. J. Culver as "roadmaster" of the county, and did not state what the "SPK" was or represented. It was these technicalities that met with the disapproval of Judge McMahan.

According to the members of the county court, if any other trouble is experienced from the same source, new plans will be drawn up without reference to the Shields place. J. E. Smith, county commissioner, stated yesterday that if Shields does not take the crossing eliminated at his farm, the county will not make any further arrangements, and will tear up the warrant issued to pay him.

FIVE BODIES RECOVERED

TWELVE OTHER VICTIMS OF MINE DISASTER SAID DEAD

STURGIS, Ky., June 8.—(By Associated Press.)—Five bodies, three of them unidentified, had been found in the workings of the explosion-wrecked mine number 9 of the West Kentucky Coal Mining company at 9 o'clock tonight. All of the known victims were negroes. Twelve men remain in the mine and all are believed dead. Gas that had gathered in large quantities in coal pockets caused the explosion. Entrances numbered 3 and 4 were sealed after the blast. Timber and debris cluttered up both entries. Another rescue crew of pickers was being organized tonight to re-enter the mine in search of other victims. Mud in some places was found a foot and a half deep and seriously hampered the work.

The five bodies were left in the mine while the search continued for the other 12 men still unaccounted for. No hope remained that any of them would be found alive.

MRS. CAIN DIES MONDAY

THREE CHILDREN LIVING IN SALEM SURVIVE HER

Mrs. Margaret Cain, age 72, died at a local hospital Monday. Funeral services will be held from the Webb funeral parlors Thursday afternoon at 2:30 o'clock, with Rev. Pemberton officiating. Interment will be made in the City View cemetery.

Mrs. Cain is survived by her husband, James Cain, of Monticello; two sons, George W. Kendall and Ambrose Cain, and one daughter, Mrs. Mattie Boatwright, all of Salem. Thirteen grand children and six great-grand children also survive.

LAST CHARTER MEMBER OF CHURCH IS CALLED

MRS. NANCY DOLMAN DIES AT AGE OF 87, MONDAY

Pioneer Woman Is Mother of Dr. W. B. Morse and Sister of Chief Justice

Mrs. Nancy Dolman died at 1:30 yesterday afternoon at the family residence at 533 Center street. She would have been 83 years of age had she lived till September 9.

Born in Missouri, she crossed the plains with her father's family in 1846. Her father was Dr. James McBride, and the family was among the most prominent and distinguished in the accomplishments of its members in the state. They settled in Yamhill county near McMinville.

Her first husband was William B. Morse, and they resided at Lafayette, Salem and St. Helens. Some years after his death, she was married to William H. Dolman, of St. Helens. She had the distinction of having celebrated two silver weddings. Mr. Dolman came to Salem six years ago and had made this city her home since that time. She is survived by her son, Dr. W. B. Morse and her brother, Chief Justice T. A. McBride of this city and Dr. James McBride of Pasadena, Cal.

Mrs. Dr. J. A. Richardson of Portland, formerly of Salem, was a foster child. There are numerous nieces and nephews and their families in various parts of the state and coast.

Mrs. Dolman was for 25 years a teacher in the public schools, and she was always connected with and interested in the educational affairs of the state. She was an accomplished woman, with a fine mind and a wonderfully sympathetic heart, being interested in all the higher activities of city and state and country, and the world. She was a student of astronomy for the best part of her long and useful life. She was often in touch, through correspondence, with the work of Dr. Hale, in charge of Lick observatory.

The funeral services will be held at the First Christian church at Salem, at 10 o'clock Wednesday, and at the Portland Crematorium at 2 o'clock in the afternoon. Rev. John Evans officiating at both services. Mrs. Dolman was the last of the living charter members of the First Christian church of Salem. The Webb undertaking parlors has charge. It is requested that there shall be no flowers.

HUGHES TO DIRECT CASE

SCOPES MAY BE DEFENDED BY EX-SECRETARY OF STATE

NEW YORK, June 8.—(By Associated Press.)—The New York World tomorrow will say that former Secretary of State Charles Evans Hughes may be asked to direct the defense of John T. Scopes, Dayton, Tenn., high school teacher, who is charged with violating the state law prohibiting the teaching of evolution.

The newspaper will say that a large influential group of men among those of liberal thought have reached the conclusion that Clarence Darrow, the Chicago lawyer, who is the choice of Mr. Scopes, would not be a fortunate selection. Mr. Darrow arrives tomorrow for a conference with Scopes.

The attitude of these men is not a criticism of the ability of Mr. Darrow but they feel his brilliance would be offset by his successful defense of Nathan Leopold and Richard Loeb, murderers of Bobby Franks in Chicago.

Those who approve selection of Mr. Hughes say that they believe the entrance of Mr. Darrow into Tennessee would bring involuntarily the atmosphere of the Chicago murder trial which they further believe would place in the hands of William Jennings Bryan, counsel for the prosecution, an advantage over Scopes.

BACCALAUREATE IS GIVEN

REV. EVANS ADDRESSES HIGH SCHOOL STUDENTS

Rev. John J. Evans, pastor of the First Christian church delivered the Baccalaureate sermon of the Salem high school seniors at the Sunday morning services at his church. "The Dynamic of Progress," was the title of the sermon delivered before the packed auditorium.

Rev. Evans brought out the fact that acquired knowledge was only a help in the life work, and the real dynamic person has a spiritual objective, a hidden quality in life, gentleness, justice, mercy, faith, hope, a love for all spiritual elements, and at the same time silently fashioning the talents at the command of the individual.

DECISION OF COURT AGAINST PUBLISHER

Supreme Court Divides on Question of Freedom of Press and Speech

SOCIALIST BEING HELD

Benjamin Gitlow, New York Publisher, Said Guilty of Inciting Overthrow of U. S. Government

WASHINGTON, June 8.—(By Associated Press.)—The supreme court divided seven to two today in an application of the constitutional guarantees of free speech and the liberty of the press in upholding the conviction of Benjamin Gitlow under the New York criminal anarchy law for publishing in the Revolutionary Age, and advocating in speeches, a manifesto issued by the left wing of the socialist party.

The majority of the court in an opinion by Justice Sanford, declared Gitlow's conviction did not invade any of his constitutional rights. The statute was valid, it held, and he could be punished under it for advocating acts of force, violence and unlawfulness in general terms. It was not essential that their immediate execution should have been advocated, the opinion stated, nor was it necessary before a person could be punished under the act, that the language used should have been "reasonably and ordinarily calculated to incite certain persons" to such acts or addressed to specific persons.

Justice Holmes and Brandeis, in the dissenting opinion, asserted that the measure to be applied in each case was whether "the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that the state has a right to prevent. Applying what they considered the correct test, they held it was manifest that there was no present danger of an attempt to overthrow the government by force on the part of admittedly small minority who shared in the defendant's views."

"If the publication of this document had been laid as an attempt to induce an uprising against the government at once and not at some indefinite time in the future," the dissenting justices declared, "it would have presented a different question. The object would have been one with which the law might deal, subject to whether there was any danger that the publication could produce any result, or in other words whether it was not futile and too remote."

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AUTO CLUB CARDS ARE NOT WANTED FOR BAIL

CLASS LEGISLATION IS CHARGED BY MAJOR GIESY

Fight on Act Passed by Last Legislature Promised by League of Cities

The law which authorizes the acceptance of automobile club identification cards as bail in the police courts of the cities and towns of the state is based upon class legislation and therefore cannot be held constitutional, declares Mayor J. B. Giesy.

"The people must wake up, or else they will find another octopus upon their heads, which they are unable to cope with. It is time to begin to fight the menace."

"When the League of Cities meets for its next regular session steps will be taken to disprove the law recently passed by the legislature, which fosters and classifies, and will afford a grip for the people who wish to make our city streets speedways in which to maim and cripple and kill our citizens."

Intimidation was given by the mayor that the cards of the Oregon Motor Association, which is a branch of the American Automobile Association would not be recognized in the local police court.

"If they think it is not right, we can go to bat on the matter, but the fact remains that the legislation is simply to favor one class of citizens over another. What right has a man with such a card to offer it over you or I who do not belong to the organization?"

It is time for the people to begin to wake-up. An organization of automobilists must be formed, which has as its motto the observance of the automobile law, which makes for safe, sane driving."

NEW REGULATIONS MADE

GREAT LATITUDE PERMITTED IN SUPREME COURT

WASHINGTON, June 8.—(By The Associated Press.)—The supreme court today promulgated the new set of regulations made necessary by legislation passed at the last session of congress to give it greater discretionary latitude in determining what cases it will review, and to bring about a considerable reduction in its burden.

Chief Justice Taft also gave notice that, when the court reassembles for its next term, October 5, the original docket, which carries a number of cases brought by states, would be called with a view to eliminating all cases which are not prosecuted with reasonable diligence. A number of the cases affected have been decided by the court, but at the request of states it has held them on the docket to retain jurisdiction so as to enforce its decrees.

BELGIUM TO NEGOTIATE WAR DEBT SETTLEMENT

COMMITTEE TO ARRIVE IN UNITED STATES IN JULY

Former Premier and Nation's Banking Heads May Solve Funding Problem

WASHINGTON, June 8.—Moving with unexpected speed, the Belgian government today informed the state department that it would send a commission here the latter part of July to negotiate a funding settlement of its debt to the United States.

The commission will be headed by former Premier Theunis and will include the governor of the Bank of Belgium and Baron De Cartier, the ambassador at Washington. On the basis of the official advice, the belief prevailed here that a funding agreement could be reached in time for presentation to the next congress for ratification.

While Baron De Cartier had previously informed the treasury of his government's intentions to take early action and of his intention to sail for Brussels in a day or two to discuss the problems with officials there it has been assumed here that the ambassador's stay in Belgium will not be cut short to hasten consideration of the question with this government before early fall.

Aside from the notification from Brussels, the most important development in the foreign debt situation today was the receipt here of official cables indicating that Italy may not delay the opening of debt negotiations as long as was indicated in the speech by Finance Minister De Stefani in Rome last week. The intention of the Italian government is to give consideration to a funding settlement, probably before the summer is over but its plans obviously must be held in abeyance pending what regards as necessary prerequisites to a debt settlement—balancing of the budget and accomplishment

ENGLAND, FRANCE AGREE

PROBLEMS OF EUROPEAN SECURITY ARE DISCUSSED

GENEVA, June 8.—(By The Associated Press.)—Great Britain and France reached a complete accord today on the problem of European security and if Germany to whom the accord will soon be sent agrees to conditions, a four-power pact will come into being, based on the inviolability of the Rhine frontiers as delimited by the Versailles treaty.

The pact will include Great Britain, France, Belgium and Germany. Italy is not included, although the text will be communicated to her for reasons of courtesy, and Holland and Czechoslovakia are not directly affected, though they will benefit by the operation of France's alliance with them.

GERMANY FAILED TO DISARM, SAID

Obligations of Versailles Treaty Declared Not Fulfilled by Nation

GUN PLANTS WORKING

Arms Plants Declared to be Carefully Protected; Documents Said to be Missing From Record

PARIS, June 8.—(By The Associated Press.)—The report of the inter-allied military control commission which formed the basis of the allied note to Germany regarding disarmament, was made public this afternoon. The annexes which contain the details of violations of the treaty of Versailles by the German government however, were not published. The commission after recapitulating the various measures of obstruction to which the Germans resorted to prevent effective resumption of control over German armaments, concludes with the statement that with the evidence collected, despite this obstruction, shows that Germany is far from having disarmed as obligated by the treaty of Versailles.

The document tells how German officials held themselves to be the sole judges of what evidence the commission ought to be permitted to have, and how the keys of offices were lost and found only after documents or other evidence the commission was seeking had been removed through side windows.

The members of the commission, the report states, were frequently told on approaching a munition depot, where they had reason to suppose they would find unauthorized stocks, that it was worth their lives to try to open the doors, which had been arranged with powerful mines that would be touched off and blow everything in the vicinity to atoms.

This obstruction, the commission concludes, was strong presumptive evidence in itself that Germany had not complied with the treaty, but it refers to other, more specific evidence, contained in the annexes, which, it is understood are being kept secret because otherwise German citizens who are denounced violations to the commission would be compromised.

12 DIE IN TRAIN CRASH

SEVEN WHITE MEN, FIVE NEGROES DEAD; MANY HURT

PERU, Ind. June 8.—(By Associated Press.)—Seven white men and five negroes were killed at Converse, Ind., near here today when two coal cars were overturned on a party of 30 maintenance of way workers.

Five others were seriously hurt and official casualty list made public by the railroad tonight showed. The men were buried under the tender of a locomotive and nearly 200 tons of coal and several hours were necessary to extricate their bodies from the wreckage. It was feared that 18 men had been killed and nearly a score seriously injured, but official reports showed that 15 had been slightly injured in addition to those killed and seriously hurt.

BONDS ARE CALLED IN

HUNT BROTHERS ARE SEEKING GREATER FINANCES

Bonds of the Hunt Bros. Packing company, who are operating fruit and vegetable canneries in Washington, Oregon and California, including a large plant in Salem, have been called in. Yesterday \$1,217,000 of its 15-year, first mortgage 7 per cent bonds for redemption on July 1, at 106½, were called, which is the full amount for the bonds outstanding.

In addition, the president, C. H. Bradt, stated new finances will allow for increased production. The company's plants are at a point now where they are recognized as the third largest canning company in the west.

LOG RATES SAID SEVERE

SEATTLE, June 8.—Ninety per cent of the logging operators in western Washington using the common carriers to transport saw logs to market will shut down if the railroads put into effect announced increases in log rates, J. L. Bridge of the Sound Timber company announced, following a meeting of the Associated Log Shippers of Washington here today.

BETTER MAIL SERVICE GIVEN BUSINESS MEN

EARLY MORNING DISPATCH MUCH NEEDED IN CITY

Daily Service Between Salem and Silverton-Mt. Angel Is Also Improved

Business men of this city are given additional mail service by the addition of the 9:30 o'clock dispatch, which leaves over the Southern Pacific lines every morning. This service was first effected Monday.

It has been needed for some time past, as evidenced by the large lot of mail usually piled up for the early afternoon train to Portland. With the additional service, other cities of the Willamette valley are given help, it is claimed.

Postmaster Farrar desired to make it plain that the mail for the special dispatch to Portland should be in the Salem postoffice by 8:45 o'clock in the morning, as the mail service must be at the station by 9:10 o'clock.

However, mail can be put on the train by the railway service, which is taken care of by the railway mail clerks. There is a station on the north and south end of the Southern Pacific depot. Additional mail service has been established between Salem-Silverton and Mount Angel, which will enable residents to receive mail there in the evening. Letters mailed here at 4:30 o'clock, will be cared for on the 5 o'clock stage.

SHOTS AWAKEN CITIZENS

TWO MEN ARE CAPTURED BUT THIRD MAKES ESCAPE

Shots fired in the early hours of Monday morning aroused residents on North Summer street, when Officer Edwards arrested Ivan Awrey of Glendale, Ariz., and Floyd A. Watson of Sacramento, under suspicious circumstances. Attention was called to the car they were driving because it had only one license plate, and when the officers gave chase one of the young men in the car made his get away.

A Bible was found among the effects of the young men, other articles in their possession consisted of cigarette papers, photos and private correspondence. The two captured youths claim that the lad who escaped stole the car in California, and a license plate at Eugene and substituted it for a California plate on the which they were driving. The car which the boys were driving had license plate number 150-634, which was issued to W. L. Starr, of Lane county.

LIBERAL ARTS DEFENDED

FIRST METHODIST CHURCH UNABLE TO SEAT ALL

Dr. Carl Gregg Doney, president of Willamette university, defended the liberal arts in education when making the Baccalaureate sermon for the Willamette graduating class at the First Methodist church Sunday morning.

He traced briefly the beginning of human civilization from its origin, describing the process of how men developed and perfected modern society. He stated that the era of power, which began about 50 years ago has made man great.

Conditions of 50 years ago with the saloons and other social conditions would have been different, if the people had the time and leisure which is at the command of the individual to day, he said. The using of leisure time was held as important as the education for practical ends, declared the speaker.

Large numbers were turned away from the services because of lack of seating space.

REV. MILLER RETAINED

PASTORS OF SOUTH FRIENDS CHURCH APPRECIATED

At the monthly business meeting of the South Friends church unanimously voted to retain the present pastors, Rev. Carl F. and Minnie G. Miller, with a substantial increase in salary.

Under direction of the Rev. Miller the church has made a healthy growth and has nearly doubled its membership in the last two years.

MAD DOG TEARS CHILD

LITTLE BOY IS SEVERELY HURT BY ANIMAL

WALLACE, Idaho, June 8.—Quick action by neighbors saved the life of Thomas Jordan, 8, of Gem, Idaho, when he was attacked by a large shepherd dog which suddenly went mad. It was reported at the hospital here today. The dog was shot but only after it had inflicted deep wounds on the lad's face and shoulders, chewed one ear badly and left imprints of teeth on his chest and arms.

SWELTERING HEAT WAVE IS BREAKING

Weather Man, Conscience Stricken, Relents; Cool Winds Forecast

HEAT KILLS OVER 500

Ten Day Spell of Record-Smashing Temperature Takes Heavy Toll of Lives in Large Cities

CHICAGO, June 8.—(By Associated Press.)—Conscience stricken and contrite after a 10-day escapade which stood him outlast before virtually the entire country, the weather man gave himself over today to a succession of gentle convulsions indicative of a quick return to a normal June mood.

Freakish gales, thunderstorms and queer atmospheric disturbances accompanied eagerly welcomed declines in temperatures throughout the region east of the Rocky Mountains and tonight's late forecasts held out the promise of at least two days of more seasonably weather.

The death toll of the 10-day spell of intense heat, winds and rains stood above the 500 mark tonight, with Philadelphia and New York the heaviest sufferers. Official records in the Quaker City placed heat toll at 136 lives.

A high wind was swept through the business section of Chicago with the force of an October gale, which resulted in the injury of several persons by broken glass and falling objects.

High winds were recorded generally throughout the upper lake and intermountain states, and the northern half of the Atlantic seaboard was cooled by a saving ocean breeze. In Iowa and the Dakotas, unusual precipitation accompanied high winds.

Moderate temperatures will prevail generally in the middle western states through Wednesday, the Chicago weather bureau forecasts. Heavy frosts occurred Sunday night in portions of Wyoming, late reports to the bureau said.

A disturbance of considerable intensity centered Monday over the northern Mississippi valley states is headed westward and northward to the Pacific ocean, carrying general showers and thunderstorms.

LET THE WEDDING BILLS RING OUT!

