

The Oregon Statesman

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KOZER REPLIES TO ELECTION DEMANDS

Arguments Must Be Filed With Secretary of State's Office by July 1

PRECEDENT ESTABLISHED

Power of Governor to Veto Measures Passed by Legislature Have Never Previously Been Questioned

In the event the supreme court should conclude that a special election shall be held the second Tuesday in September it will be necessary that any arguments to be printed in the official pamphlets containing copies of the measure to be referred must be filed by July 1, Secretary of State Sam A. Kozar said yesterday, following the hearing in the supreme court on relation of L. L. Swan, Tillamook county representative to the legislature, petitioner for an alternative writ of mandamus in relation to the holding of a special election.

The petition charged that Governor Walter M. Pierce exceeded his constitutional authority in vetoing a measure passed by the legislature calling for the special election. This charge is denied. An order is expected at an early date.

"It was not possible to bring this matter to the attention of interested parties before this time for the reason that the question of the governor's power to veto measures of the legislature providing for the holding of special elections has never been heretofore raised," Secretary of State Kozar said. "Action was not taken by the litigants until June 23, and the case heard yesterday."

"The measure provides that all measures passed by the 33rd legislative assembly which levy any tax or license fee upon the transaction of any business upon which the referendum may be invoked by petition of the people are to be submitted to the people at the special election therein provided for."

"Any persons who desire to submit arguments favoring or opposing any of the measures which may be referred to the people, subject, of course, to the decision of the supreme court, and the committees authorized by legislative action in many of the resolutions and measures, will have to act speedily in order that such arguments shall be filed with the secretary of state not later than the time which the law providing for the holding of a special election named—July 1. Persons or associations other than the legislative committees must accompany their arguments with a remittance of \$100 for each page of space which such arguments will occupy in the pamphlet, does it become necessary to issue the same?"

"This statement is made so that interested parties may have such notice as it is possible to give of the requirements of the situation"

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SPELLING BEE MONDAY

ANNUAL EVENT FEATURES CLOSING FORUM LUNCHEON

The annual line-up and drag-down spelling bee will be a feature of the closing luncheon of the Chamber of Commerce Monday noon. Captains will be selected and sides chosen. No back talk will be permitted and when a man is "spelled" down he must take his seat without further argument. Luncheons will be held.

No luncheons will be held during July and August.

Prof. W. I. Staley will preside as teacher and general pronouncer. The Oregon Blue Book and the old Webster spelling book will be used. No trick words are permitted.

Free Cakes Today

The Statesman is giving away 100 cakes free to those bringing in classified ads to run in the Statesman for three issues, including Sunday's issue June 25th.

There are no strings other than bringing in the ad. The regular rate of 5 cents per word for three issues is being charged. Many have already been in and ordered their ads to run and received the tickets for the cakes, which are ready for delivery. The cakes are guaranteed to be good. They sell regularly for 25 cents.

Don't wait until too late, as only 100 cakes have been ordered. Bring your ad in early.

TEMPERATURE RECORD BELOW CENTURY MARK

MERCURY CLIMBS TO 90 AND REMAINS FRIDAY

Cooling Ocean Breeze Brings Relief; Hot Wave Abatement Believed General

For the first time in three days the mercury dropped below the century mark when a temperature of 90 degrees was recorded, ten degrees cooler than Thursday and 11 degrees less than the figure for Wednesday. A cool ocean breeze enabled those who were able to seek relief in the shade.

At 9:30 o'clock last night the thermometer registered 67 degrees, in contrast to the 76 degrees shown at the same hour the previous night.

Few telegraphic weather reports were received last night, indicating that the heat wave is abating throughout the state.

Word was received from Albany that Floyd Simmons, while working in a hay field near Shedd, suffered from sunstroke. He was taken unconscious to his home by his father where he was found not in a serious condition.

Girls at the state house, an unfalling barometer, kept their shoes on the entire day, indicating cooler weather conditions.

Heat records for June were broken at Yakima with 103 degrees. At Spokane a 44-year record was broken at 3:30 o'clock, with the thermometer climbing to 109.2 degrees.

Willson park, Marion square, and all the bathing resorts of the district, particularly the one at Twenty-first and State, were crowded during the entire day.

ONLY TWO DIE IN BLAST

FIRST ESTIMATE OF KANSAS CITY FIRE TOO LARGE

KANSAS CITY, Mo., June 26.—(By The Associated Press.)—Firemen and laborers today recovered from the wreckage of the Gillis theater building, demolished by an explosion and subsequent fire late last night, the body of Harry Likely of Salina, Kan., a cook, under tons of debris.

The finding of this body brought to two the total number of the victims of the blast. John Hogan, fireman, died in a hospital from injuries sustained when a fire truck overturned while en route to the scene.

Fire Chief Alex Henderson tonight expressed the belief that not more than one or two additional victims would be found in the debris. Only three men have not been accounted for.

It was learned tonight from the theater's manager and patrons that not more than a score were witnessing the performance when the explosion occurred.

Emmett Scanlan, fire inspector, said the property loss would approximate \$150,000.

THOUSANDS HEAR MUSIC

WILLSON PARK THROGGED FOR OPENING CONCERT

Thousands of persons thronged Willson park last night for the opening of the 1925 band concert season. Automobiles were parked early in advantageous positions and lined the streets for blocks on all sides of the state house grounds. An excellent program was offered under the direction of Oscar Steelhammer.

Following the concert the Waite memorial electric fountain went into action, bringing exclamations of delight from hundreds who had not before witnessed the brilliant spectacle. Shortly after the opening of the exhibition some little trouble developed with the pressure but this was remedied within a few moments and the fountain continued to play for half an hour.

The second concert of the season will be offered Tuesday night.

LIQUOR CAPTURE MADE

MOBILE, Ala., June 26.—Setting what is believed to be a record for a single haul, capture since the United States guard opened war on rum smuggling several weeks ago, an alleged liquor schooner and six small boats, along with a whisky cargo estimated to be worth a quarter of a million dollars or more, were towed into Mobile tonight following their seizure by the coast guard cutter Sauk. Twenty-three men were brought into port as prisoners and lodged in the county jail for safe keeping.

IDaho MAN DIES

LEWISTON, Idaho, June 26.—F. S. Randall, prominent Lewiston attorney, died tonight shortly before midnight, the cause of death being double pneumonia, following an operation. Mr. Randall has been prominent in community and state affairs and has represented Nez Perce county in both houses of the legislature.

MERCHANT MARINE PROBLEMS DEBATED

Private Ownership Is Urged By Admiral Palmer at Seattle Convention

ALTERNATIVE PRESENTED

Government Operation Is Under Heavy Loss; Subsidy, or Disappearance of U. S. Ships Is Forecast

SEATTLE, June 26.—(By The Associated Press.)—Shipping, especially with reference to lumber and grain, received extensive discussion in closing session here today of the eleventh annual convention of the national foreign trade council, which met Wednesday.

Admiral Leigh C. Palmer, USN, resigned, president of the emergency fleet corporation, in whose hands, at the instance of President Coolidge, negotiations for sale of government vessels were placed, raised questions on which the convention general committee was expected to announce opinions of the council.

Admiral Palmer recommended "private ownership on terms that protect the government interests," operation of government lines on trade routes economically essential to the national interests, and "where sales are impossible, charter of lines to private responsible parties."

"To summarize," Admiral Palmer continued, "our country faces three alternatives in respect to the merchant marine in foreign trade: First, continued government operation costing ultimately around \$30,000,000 a year; second, government aid to private shipping amounting to about \$15,000,000 a year; or third, the gradual but certain disappearance of our flag from the international trade routes and a return to our pre war condition when less than 10 per cent of our foreign commerce was carried in American vessels."

Frank L. Shull, flour miller of Portland, Ore., speaking for grain growers and manufacturers of the Pacific northwest, declared for a subsidy to build up the American merchant marine under private ownership.

"Never will there be a lumber famine in the United States," predicted J. H. Bloedel, Seattle lumberman. "The consumption of lumber will decline with the advance of culture and civilization. In Europe today it is only five feet a head a year."

"By the time the American level of consumption is nearly as low as that in Europe," explained

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CAMP JACKSON BATTLE IS HISTORY FOR GUARD

SALEM CONTINGENT RETURNS FROM SOUTH SECTOR

Heat at Medford Is Excessive; No Drills for Men Held During Afternoons

Salem's contingent to the armed forces which mobilized at Camp Jackson, in southern Oregon, for extensive military maneuvers during the past two weeks came home last night, tanned and tired from the outing, and hot and weary from an all-day ride on the train. The "army" was "demobilized" at the Army shortly after 7 o'clock.

The camp was very successful, according to Capt. Paul Hendricks. Because of the excessive heat there was no drill for the men in the afternoons, with the exception of two military maneuvers of an extensive nature. Officers and non-commissioned officers were required to attend schools, while the privates—ex-serve men at the time—engaged in athletics or spent the time as they saw fit.

Two thermometers were broken by the heat at the camp hospital when 112 degrees were recorded. Medford itself was a little more charitable, and out of respect for the feelings of the folks at home and not to alarm them, quoted the temperature as 104 degrees. On Wednesday, however, Medford admitted to 108.8 degrees.

None of the Salem men suffered from illness of any nature, and all returned home in the best of physical condition.

The coast artillery unit, training at Fort Barry, Cal., is due back in the city July 2.

EVOLUTIONISTS VISITING

DR. E. A. CAUTRELL IS FRIEND OF S. H. VAN TRUMP

Dr. Edward A. Cautrell, field secretary of the American Science League, with headquarters at San Francisco, is spending a few days in Salem visiting his friend, S. H. Van Trump, Marion county fruit inspector, 1221 North Fourth.

Dr. Cautrell is just returning from Seattle where he held on Wednesday night, the last of a series of four debates on Evolution and Fundamentalism, with Dr. William Branch Riley, who represented the Fundamentalist Association of America.

Dr. Cautrell reports large attendance and lively interest at all four debates, the first of which was held in Los Angeles, and the last in Seattle.

HOPE FOR RESCUE HELD

WALLACE, Idaho, June 26.—Some grounds for hope for the rescue alive of four men caught Wednesday in the cavern of the Ajax mine near Burke were seen tonight and the rescue crews have redoubled their efforts to reach the entrapped men.

TARIFF CUT IS FIRMLY OPPOSED BY PRESIDENT

ENGLISH ASK CUT IN PRODUCTION TO AID GERMANY

Coolidge Declares Many European Proposals Not Made in Good Faith

SWAMPSCOTT, Mass., June 26.—(By The Associated Press.)—President Coolidge is firmly opposed to suggestions made abroad that the United States lower its tariff duties and curtail production as a means of aiding Germany to meet reparations payments and European governments generally to pay their debts.

The president's view outlined today at the summer White House, concerned particularly the proposals on tariff reduction and production curtailment made before the International Chamber of Commerce meeting at Brussels by Sir Joshua Stamp, a British member of the reparations commission. The president believes many plans proposed for the betterment of conditions abroad are simply left handed efforts to get the United States to pay reparations.

The people of the United States on whom the burden of any proposal, if adopted, would rest, Mr. Coolidge is convinced, are determined not to become involved in the reparations problem and are unalterably opposed to debt cancellation.

In the president's opinion the increase in American imports during the last few years is a sufficient answer to the suggestion that tariff duties should be lowered. He considers it significant that American trade volume is approximately 50 per cent greater than before the war, while the import and export business of most European countries is less.

While Mr. Coolidge holds to the view that the American public feel that Germany must pay reparations and that other European nations must meet their debt obligations, he believes that to an extent the people of the United States have a concern in world conditions which they would be glad to alleviate through any plan which did not shift until warranted burdens on their shoulders.

NON-STOP TRIP PLANNED

FLIGHT FROM COAST TO HAWAII WILL BE ATTEMPTED

SEATTLE, June 26.—Lieutenant Ralph Davidson of St. Louis, United States navy aviator, was in Seattle today awaiting the completion of a hydro-airplane here to be flown to Hawaii in September on a non-stop flight from California. Lieutenant Davidson arrived last night, completing the personnel of the plane.

Lieutenant Commander J. H. Strong and Lieutenant Ricko Botto, the other officers, and a mechanic and radio operator, represent the crew for the flight.

WOODMEN GATHER FOR ANNIVERSARY

Thirty-Fifth Founding of Order Will Be Fittingly Celebrated Today

INITIATE LARGE CLASS

More Than 1,000 Men From All Parts of State to Receive Work; Head Camp Officials Are Here

Woodmen of the World from all parts of Oregon are in Salem today celebrating the 35th anniversary of the founding of the order. Deputy Head Consul Martin of Portland has been in the city for several days with a corps of assistants perfecting arrangements for handling the crowd which he estimates will reach several thousands.

The following head camp officials are in Salem today to attend the celebration: Head Consul, J. I. Boak of Denver; Head Clerk, T. M. Robinson of Denver; Head Manager, W. C. Hawley of Salem; Head Manager, J. O. Wilson of Portland; Head Manager, John Pattison of Spokane; Head Manager, H. L. Raymond of Denver; head Manager, J. W. Klein of Denver.

At 12 o'clock noon today, on the down town streets there will be band and orchestra concerts by those who will participate in the program at the fairgrounds where the celebration will be staged.

Beginning at 1 o'clock and continuing through the afternoon and evening there will be a continuous program of music and vaudeville stunts, two baseball games, and a complete program of athletic contests, foot races, etc., with a valuable prize list. The public is invited to enjoy the day with the Woodmen at the fairgrounds. The dining room will be open for the public and meals are served by an experienced caterer. In the evening a class of 1,000 new members will be initiated in the stadium, which has been transformed into a bower of beauty for the occasion.

Salem camp No. 118 has secured a class of 212 candidates for

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CONVENTION ENDS TODAY

LEGIONNAIRES SELECT COOS BAY FOR NEXT MEETING

PRINEVILLE, Or., June 26.—A plea for Americanization, unsullied by a hint of internationalism, was made at the seventh annual convention of the American Legion here today by Father Lonergan of Illinois, national chaplain of the legion.

Coos Bay will be host to the 1926 convention of the American Legion. Marshfield and North Bend combined to invite the legionnaires to those cities for the next meeting, which will be held in July or August.

The convention parade was held this afternoon with nine drum corps and hundreds of legionnaires in Indian cowboys and cowgirls in line. This was Bend, Madras and Redmond day at the American legion rodeo.

Tomorrow will see the conclusion of the convention with election of officers.

California visitors who addressed the convention today were Sam Ingram of Los Angeles, national chemist of the Forty and Eight; George Hatfield, national committeeman; George Stout, secretary of the veterans' welfare board of California, and Morgan Keaton, past department adjutant.

FIRE HERO MEETS DEATH

FOREST BLAZE KILLS MAN WHO SAVED OTHER LIVES

VANCOUVER, B. C., June 26.—Oliver G. Clark, foreman of a logging camp near Prince Rupert, 500 miles north of here, was burned to death today in a forest fire. A boat load of refugees left while he was gone back to the cabins to see that everybody was clear.

Clark, fighting alongside thirty rangers had confined to thirty acres a blaze that had swept 300, when the wind changed, and flames rolled upon the camp.

In fifteen minutes Clark had hurried all the people in the camp aboard the boat, which is in the Canadian forestry service. Then the flames came close to the boat, but Clark ran off to the cabins.

The captain of the boat was unaware that Clark was not aboard. When he learned the truth he put back, though the flames threatened him and his charges.

A few yards from the water lay Clark's charred body.

HISTORY OF SHEPHERD CASE GIVEN IN DETAIL

TRIAL LASTING OVER SIX WEEKS ENDS IN ACQUITTAL

Charge of Killing Foster Son By Typhoid Germs Not Believed By Jury

CHICAGO, June 26.—(By Associated Press.)—The trial of William Darling Shepherd was begun approximately six weeks ago.

Three weeks and three days were required for selection of a jury, 12 days for presentation of testimony and the last three days for jury pleas by four attorneys. Shepherd was indicted March 17 last upon 22 counts of murder, chief of which were that he had used typhoid germs to precipitate a fatal disease in his young foster son, William Nelson McClintock, who made a will naming Shepherd chief heir of an estate valued in excess of \$1,000,000. The youth died December 4 last of typhoid fever during an epidemic of that disease traced by city health officers to contaminated oysters shipped here from the east.

Virtually from the day of the youth's death, however, whispers were heard against Shepherd in Kenilworth, the fashionable north shore suburb in which the Shepherds shared young McClintock's home.

Judge Harry Olson, chief justice of the municipal court of Chicago, proclaimed himself "counsel for the dead," and demanded an official investigation.

Shepherd and his wife, who had gone to Albuquerque, N. M., returned to Chicago, but refused to testify before the coroner and upon March 3 that official heard Judge Olson accuse Shepherd of the murder of the youth. The boy's body had been disinterred December 24 and an autopsy revealed that typhoid had been the sole cause of death.

Charles C. Faiman, head of the small National University of Sciences was brought into the case and upon March 12 alleged Shepherd had stolen live typhoid germs from his school.

The statement later was varied to a formal confession in which Faiman said he gave Shepherd the germs and taught him how to use them to slay the youth to keep him from marrying Miss Isabelle Pope, a young school teacher, and thereby to nullify the will he had made in Shepherd's favor.

The day after Faiman made his original statement, Shepherd was taken into formal custody of the state's attorney, held at a hotel until after he was indicted, March 17, and then placed in jail, where he since has been.

The death of Billy McClintock gained newspaper first page space through the fact that Miss Pope waited with a marriage license while he sank into the last coma.

She maintained that but for Shepherd's interference she would have married the youth, Shepherd informing her that she alone could not obtain a marriage license.

From the witness stand in Shepherd's trial the young woman stated that she had a "fifty-fifty" arrangement with the cousins of Billy's mother for division of the estate if they could break the will. The seven cousins, most of whom live in Iowa, served notice of a will contest, two weeks after Billy died.

After Shepherd had been indicted the coroner's jury continued the inquest and upon May 5 directed that both Shepherds be held for the murder. The grand jury refused to indict Mrs. Shepherd.

JARDINE VISITS TODAY

SECRETARY OF AGRICULTURE MAKING SHORT STAY

W. M. Jardine, secretary of agriculture, will stop in Salem this morning for an official visit with Governor Walter M. Pierce.

The visit here is expected about 9 o'clock, as Secretary Jardine is due to speak before the Portland Chamber of Commerce at 11 o'clock.

Governor Pierce was in Corvallis yesterday to meet Secretary Jardine, who spoke at the Chamber of Commerce. Secretary Jardine accepted no invitations for last night in order that he might have opportunity to visit a brother, James T. Jardine, who is a member of the Oregon Agricultural college experiment station staff.

"APE" FIGHT FROWNED ON

MEMPHIS, Tenn., June 26.—(By Associated Press.)—A resolution protesting against the making and using of a criminal or other trial before any court of our state as an advertising medium as is now being done in regard to the Scoop trial at Dayton, Tenn., were presented for approval before the Tennessee bar association late today by Giles Evans of Fayetteville.

SHEPHERD IS FREED OF MURDER CHARGE

Jury Debates for Five Hours and 40 Minutes; Ballots Not Explained

VERDICT IS APPLAUDED

Crowded Courtroom Breaks Into Cheers When the Verdict Is Announced; Another Charge Is Faced

CHICAGO, June 26.—(By The Associated Press.)—William Darling Shepherd tonight was acquitted of the murder of his foster son, William Nelson McClintock. The jury deliberated five hours and 40 minutes.

Members of it would not divulge the number of ballots taken, nor the methods by which they reached final agreement. They said that they had taken a collective oath not to reveal the record of the balloting.

As a result of the verdict Shepherd tonight walked from the Cook county jail at 10:45 p. m. a free man after having been in custody since March 15 last. He still faces another murder charge, but Judge Thomas J. Lynch agreed to permit him to sign his own bond.

At the same time, the coroner's jury recommended he be held for the murder of Billy McCormick, it directed that he be held for the murder also of Mrs. Emma Nelson McClintock, Billy's mother, 17 years ago.

It is that charge which still hangs over his head, although tonight it was not believed by Shepherd's attorneys that he ever would be brought to trial. Shepherd's face was wreathed in smiles as he heard the verdict and leaped forward to thank the jury.

His wife, Mrs. Julie Shepherd, was not in the courtroom. She waited with friends at a downtown hotel for the verdict. At Shepherd's side when the verdict was read were his brother, J. Henry Shepherd of Little Rock, Ark., and his former law partner, Robert Stoll. Despite stern admonishments, the crowd rent the air with cheers and were not stilled immediately by threats.

Above the bedlam and the booming of flashlights of news photographers the foreman of the jury, William Burnett, finally made himself heard. He read a note of thanks the jurors had written to Judge Lynch, expressing appreciation for consideration and courtesy and the orderly conduct of the trial.

The judge, from his dais, returned the jurors' expressions of good will, thanked them and released them until tomorrow morning when they can get the pay due them for their long service.

Meanwhile Shepherd and his attorneys, William Scott Stewart and W. W. O'Brien, were waiting at the end of the jury box for a triumphant procession of handshaking and thanking down its length.

There was not a juror but who returned smile for smile and hand-clasp for handclasp and none of the bitterness which sounded in debating voices shortly after the jury retired, was evidenced.

During the long deliberation the voices of at least one juror was heard in harsh argument as it sounded above the others.

A number of times the words "Judge Olson" were heard.

It was Judge Harry Olson, chief justice of the municipal court who forced investigation of the death of Billy McClintock and the subsequent indictment of Shepherd.

During the trial Judge Olson expressed keen disapproval of the efforts of the state's attorney.

That official flanked by George

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NOTICE To Our Readers

The Statesman monthly will call to make their monthly collections today.

Your newspaper boy is just starting in business for himself. This is his first effort to learn business and his success or failure depends to a considerable extent on your good will and cooperation. A pleasant smile and a cheery word will encourage your boy and help him make a success of this, his first venture in business life. He will appreciate it and show his good will in any way he can.

If your subscription is already paid, ignore this notice and accept our thanks.

STATESMAN PUBLISHING CO.

THE OAK IS GONE, BUT THE ROOTS REMAIN

