

The Oregon Statesman

SEVENTY-FIFTH YEAR

SALEM, OREGON, SATURDAY MORNING, JULY 18, 1925

PRICE FIVE CENTS

CALIFORNIA SWEEP BY TERRIFIC HEAT

All Records for 47 Years Are Broken at Sacramento With 114 Degrees

TWO DEATHS REPORTED

All Southern Points Experienced Terrible Weather; Riverside Reports 118 Degrees; Fresno, 114

SAN FRANCISCO, July 17.—

(By Associated Press.)—Extreme heat continued to prevail over the larger part of California today, temperatures setting a new record in many sections and several deaths attributed to heat occurred. Southern California sweltered under a torrid heat which has threatened to damage crops in the orange belt in the vicinity of Riverside and San Bernardino. Riverside reported 118 degrees and San Bernardino 114.

Los Angeles was visited by the hottest weather of the year when the mercury mounted to 97 degrees. With one exception Fresno experienced the hottest day for 38 years, with 114 degrees. In July, 1906, 114.6 degrees was recorded. The third day of the heat wave claimed one victim in Taft, a three months old girl dying under 115 degrees of heat. E. L. Hall of Los Angeles suffered a sunstroke at Chico which resulted in his death. The temperature there broke records of eight years' standing with the thermometer reaching 113 degrees.

The wave also spread over the northern section of the state, Marysville recording 114 degrees and Redding 113.

While other sections of the state were gripped in the heat wave, San Francisco and the bay region enjoyed a cloudless, balmy day with a maximum temperature of 75 degrees.

SACRAMENTO, Cal., July 17.—

With the mercury soaring to 114 degrees here this afternoon, Sacramento experienced the worst heat wave that has struck this section of the valley in 47 years. The temperature shattered all records in the history of the weather bureau, established here in 1878. The previous high mark was 111.2 degrees on June 25.

SMALL SAID NOT GUILTY

WITNESS TO KILLING SAYS WRONG MAN BEING HELD

DETROIT, July 17.—(By The Associated Press.)—The Detroit Free Press tonight says that Jas. M. Ball, a local telegraph operator, tonight telegraphed Governor Len Small of Illinois that he was a witness to the shooting of Jos. Maurer in a Chicago drug store a year ago and that Robert Scott and not Russell Scott was the murderer.

Ball said he paid no attention to Scott's trial in Chicago as he seldom had time to read the newspapers. However, he saw a picture of Robert Scott in a newspaper here yesterday and immediately identified it as the likeness of one of the men who participated in the affair in which Maurer was killed. Ball debated some time before notifying Governor Small of the mistake, realizing it would take him from his work and that his family might suffer if he quit work to testify.

CHICAGO, July 17.—

The story of James M. Ball, Detroit telegraph operator, that he was present in a Chicago drug store when Joseph Maurer, drug clerk, was killed and that Robert Scott, and not his brother Russell, fired the fatal shot, was characterized as a "pure fake" by George E. Gorman, assistant state's attorney, tonight.

JAPAN FAVORS TREATY

FOREIGN OFFICE IN PERFECT ACCORD WITH PROPOSAL

TOKYO, July 18.—(By Associated Press.)—The American embassy today delivered to the Japanese government the state department's note advising the powers of the position of the United States as favoring a Chinese customs tariff and the creation of a commission to consider the question of extra territoriality in China. After a cursory examination of the document a spokesman for the foreign office said Japan was in complete agreement with the principle points which were in accordance with the Washington treaty and a favorable reply would be made soon.

SHEPHERD LOSES FIRST PHASE OF LEGAL FLIGHT

M'CLINTOCK WILL IS NOT ADMITTED TO PROBATE

Judge Refuses Order on Grounds of Presumption of Undue Influence

CHICAGO, July 17.—(By Associated Press.)—William D. Shepherd, recently acquitted of the murder of William Nelson McClintock, millionaire orphan and his ward, today lost his first legal skirmish to gain possession of the million dollar estate left him by McClintock's will.

Probate Judge Henry Horner refused to admit to probate the will, which left to Shepherd all of the estate except for an \$8000 annuity to Miss Isabelle Pope, young McClintock's fiancée. Probation was refused on the grounds of a "presumption of undue influence." Judge Horner decided it was the duty of proponents of the will to disprove undue influence in the higher courts.

Immediately after the decision, the litigants—Shepherd on the one side and nine Iowa cousins of McClintock and Miss Pope on the other—started a second contest over the estate's administration.

SMALL TOWN DESTROYED

BUSINESS SECTION OF CRESTON, Wn., FIRESWEPT

SPOKANE, July 17.—Most of the business section and several residences of the town of Creston, in Lincoln county, Wash., were destroyed this afternoon by a fire which was still burning tonight. Twenty-four buildings and houses had been burned at 8 o'clock, causing an estimated loss of more than \$100,000.

FIRES UNDER CONTROL

LARGE CREWS WORKING IN FORESTS TO HOLD BLAZE

MISSOULA, Mont., July 17.—The worst fires to date seem to be centered in the Kankai national forest along the northern border of Idaho and Washington, according to district headquarters here. There are several large fires in this forest, but reports late tonight all indicate the blazes are being held in control. Approximately 375 men are fighting fires in the forest for the government and 100 are fighting fires on adjoining state forests.

A 60 acre blaze broke out 10 miles east of Missoula today and a crew of men was rushed to the scene. It is believed the fire was brought under control this evening despite a strong wind late today.

Lightning storms have started several new fires in the various forests of District No. 1, but none has grown to any great extent. Some forests even have reported an improved situation.

FRAUDS ARE EXPOSED

BUREAU CAUTIONS PUBLIC AGAINST "SNAPS"

SEATTLE, July 17.—(By Associated Press.)—Better business bureaus of Pacific coast cities exposed frauds totalling \$25,000,000 during the last year. Elmer J. Hertel of Oakland told bureau managers in convention here today.

Hertel urged the public to bring offers of "something for nothing" to the attention of the bureau.

FARM MARKETING IS IMPORTANT MATTER

Cooperation Is Urged by United Chambers of Commerce in Session

COAST MARKET IS TOPIC

Distance From Consumer Is Discussed; Attitudes Relative to Organization Are Heard

PORTLAND, Or., July 17.—A regional conference directed toward aiding in solving the problems of agriculture called under direction of the United States Chamber of Commerce, held here today commended cooperative marketing as one means of betterment of the farmer's lot and delved into various other subjects bearing on the general situation.

William Harper Dean, manager of the agricultural department of the United States chamber, directed the conference, which will continue throughout tomorrow. It was said, that opinion throughout the country is learned and the findings and suggestions will then be embodied in future policy of the national organization.

FAKE CURRENCY FOUND

OFFICER FIND \$2000 IN COUNTERFEIT BANKNOTES

EAU CLAIRE, Wis., July 17.—(By The Associated Press.)—Two thousand dollars in counterfeit \$10 currency notes, inside a canvas money belt, were found beneath the platform of the Minneapolis, St. Paul and Sault Ste. Marie road depot here today by F. C. Riley, secret service agent from St. Paul and chief of Police Larsen of Eau Claire. The discovery followed the alleged confession at Denver by A. Milton Greer, 21, and his brother, Clifford Greer, 20, that they had made and passed the spurious currency and that when the authorities got on their trail in Eau Claire last winter they tossed the belt under the depot platform rather than take a chance of being caught with it on them.

The two brothers were trailed from Atkin, Minn., and taken in custody at Denver by federal agents after St. Paul police had unearthed information implicating them in counterfeiting operations.

LUMBERMAN IS DEAD

SANTA ROSA, Cal., July 17.—

Zeth Lane, reputed wealthy lumber mill owner of Colville, Wash., died tonight at his summer home in the Valley of the Moon, near Bonoma. Death was due to a heart attack. He was 66 years old and survived by his widow, a son and a daughter.

WINDOW SHOPPING!



CHARGE SUBSTITUTIONS DISPLEASING GOVERNOR

ATTY. GENERAL MAY HANDLE LIQUOR CASES

Change of "Drunken Driver" to "Reckless Driving" Must Stop, Pierce Says

Unless the practice of substituting "reckless driving" charges for those who should be prosecuted under the "drunken driver act," Governor Pierce may call in the attorney general as prosecuting officer, it was announced yesterday after two cases asking for executive clemency for violation of the "drunken driver act" were filed.

"I ask all courts in the state to enforce this act and to refuse to accept a plea for reckless driving when in fact the crime is the greater one of driving a motor vehicle while under the influence of intoxicating liquor," the governor said. "I do not wish to call upon the attorney general to appear in any of the courts of this state as a prosecuting officer, but it may be necessary to do so should the complaints continue to come to this office that the intent of this statute is being nullified and set aside by the substitution in our courts of the lesser charge of 'reckless driving.' I call upon all enforcement officers of the state to cooperate to the utmost in the strict enforcement of this law."

Governor Pierce points out that a "reckless driving" charge is punishable with a comparatively small fine, while conviction under the "drunken driver act" there is a fine, imprisonment and revocation of the driver's license.

FATHER'S STORE TARGET

WOMAN DECLARED INSTIGATOR OF MANY HOLDUPS

SPOKANE, July 17.—Mrs. Margaret Sayko, 23 of Wallace, Idaho, mother of two children, was arrested here today with Roy Covington, 19, in connection with the robbery of a grocery store owned by the father of Mrs. Sayko, and also a series of other grocery and service station robberies here. Sheriff Clark and Prosecutor Leavy announced that five persons have been arrested in connection with the robberies and that some of those under arrest admit that Mrs. Sayko encouraged them to rob her father's store, as "he would have no money and no gun."

PRUNE PRICE ADVANCES

SOUTHERN BUYERS CENT GAIN ONE-FOURTH CENT DOLLAR

SAN JOSE, Cal., July 17.—(By Associated Press.)—An advance of one-fourth cent in the price of all remaining sizes of prunes has been announced by the California Prune & Apricot Growers' association. In a bulletin issued today it was stated that since June 1 there has been a heavy demand for 1924 crop prunes and that at present rate the available stocks would soon be exhausted. At the present time the association's holdings are all in Sunsweet 30-40 and 40-50, and equality 40-40, 40-50 and 50-60.

CRIME NEWS DISCUSSED BY NEWSPAPER EDITORS

FLAPPER AND EARTHQUAKE CONSIDERED AT MEETING

Ninety Per Cent of Those Who Rant At Crime News Said To Devour It

GRANTS PASS, Ore., July 17.—Earthquakes, crime news and the flapper occupied the attention of members of the Oregon state editorial association gathered here today for the first of a two day session and tomorrow the visitors will hold a business meeting, elect officers and take a trip to the Oregon caves nearby.

"Ninety per cent of the people who most bewail crime news in the newspapers devour it most greedily when printed," declared Frank Jenkins, editor of the Eugene Register, in the course of a talk on the possibility of minimizing crime news and yet publishing a successful newspaper.

Oregon probably will never have a serious earthquake but is an island in a sea of disturbance to the north and south of it, said Dr. E. T. Hodge, of the University of Oregon. For that reason he said, Oregon is the ideal situation for a seismograph station because it would be able to record the quake of the disturbed areas of California, where he predicted there would be a serious earthquake annually for the next 5,000 years, and Alaska, British Columbia and Washington which he said, were in the same disturbed condition. Mrs. Kate W. Jameson, dean of women at Oregon agricultural college said most of the trouble with the flapper was the fact that the old generation did not understand her and that, with the new freedom of women, understanding is the only basis for control.

FIGHT FOR LIFE IS WAGED BY M'KILLOP

State Printing Department Employe in Suicide Attempt Friday Morning

Man Alleged to Be Held Without Cause

MARITAL TROUBLE CAUSE

Note Left for Wife Found in Apartment; Young Couple Were Married Here Less Than Year Ago

Lying upon a cot at a local hospital with a bullet hole through his body, Archie W. McKillop, employed at the state printing department as a messenger, has a 50-50 chance to recover from a self-inflicted wound, according to his physician. Domestic difficulties are believed to have led to his attempt at suicide, according to information gathered by the police.

Shortly after 11 o'clock Friday morning McKillop telephoned his wife, who is employed at the state industrial accident commission, to hurry home, giving no explanation. Before she arrived at their apartment, 249 South Cottage, McKillop had fired a .25 calibre revolver into his body, the bullet entering the stomach and passing out through his back without striking any of the vital organs or severing an artery.

Kenneth Bell, another state employe who was in the apartment house at the time, heard the shot, investigated and called a physician. A note, evidently intended for his wife, was left by McKillop. It read: "This is enough to pay all we owe and a little over. I love you. It had no address. The note is thought to have referred to insurance papers found in the apartment."

McKillop was married less than a year ago to Miss Florence Varley. He is the son of Mr. and Mrs. A. B. McKillop, 670 Union. McKillop was in Portland Thursday to attend the Elks' parade. Mrs. McKillop going to the city with friends Wednesday night.

ELKS LEAVE FOR HOME

PROTEST MADE OVER AWARDING OF DRILL PRIZES

PORTLAND, July 17.—Tired, but happy, delegates to the 61st annual reunion of the Benevolent and Protective Order of Elks, which officially and socially closed tonight with a grand ball, are fast leaving for their homes, the departure of the grand lodge party tonight taking almost all of the larger delegations.

HUGE FIRE IS REPORTED

ALL AVAILABLE APPARATUS IS RUSHED TO SCENE

PORTLAND, Or., July 17.—Forest fire fighting apparatus and three road crews were rushed by the United States forest service from Vancouver, Wash., to the up-per Wind River canyon early tonight where a forest fire, the largest reported this season was reported sweeping 3000 acres of timber in the Columbia National forest.

The fire broke out in an area in which the Wind River Lumber company has logging operations and the company placed 100 men to fighting it, but the flames could not be brought under control. The forest service office reported the Shazer Creek fire in the Wenatchee national forest still unfavorable with the spread on the south and west sides uncontrolled. The main fire has burned over 600 acres but a secondary fire has sprung up on the south fork of the creek and has spread over 300 acres with 50 men fighting it. Warning was issued from the Portland forestry office that the fire hazard is high at the present time and utmost precautions necessary.

PHONE PATRONS GAINING

SALEM INCREASE IN FIVE MONTHS 1.57 PER CENT

The number of telephones in Oregon, Washington and California has increased 29,697, or 2.2 per cent in the last five months, according to a report of the Pacific Telephone & Telegraph company. Salem, according to the report, increased 1.57 per cent in the period.

Increases in the five-month period in cities of Oregon were reported in percentages as follows: Astoria, 2.44; Albany, 2.05; Ashland, 1.59; Bend, 2.47; Corvallis, 1.34; Cottage Grove, 3.36; Eugene, 2.56; Grants Pass, 6.11; Klamath Falls, 5.71; Milwaukie, 1.96; Newport, 7.12; Oregon City, 2.46; Pendleton, 0.26; Springfield, 1.18; St. Helens, 4.31; The Dalles, 0.79; Tillamook, 1.79 per cent.

BOY IS WATER VICTIM

SPOKANE, July 17.—Hendrick Storm, 11, was drowned in Shelly lake, near here, today when he stepped off a ledge in the lake and sank. The boy could not swim and his mother told county officers that she had warned him not to go near the lake.

LEGALITY OF INSANE STATUTE IS ATTACKED

MAN IS ALLEGED TO BE HELD WITHOUT CAUSE

Dr. Steiner Ordered By Judge Kelly to Produce Patient On July 27

TESTIMONY IRRELEVANT

Trial Will Be Much Shortened by Elimination; May Reach Jury by Tuesday of Next Week

A writ of habeas corpus was signed by Judge Percy R. Kelly yesterday afternoon, directing Dr. R. E. Lee Steiner, superintendent of the Oregon state hospital, to present Grant Mann, an inmate of the asylum, in the circuit court rooms on July 27, and show why he is being held at the state hospital. Attorneys for J. G. Mann filed the proceedings, stating that Grant Mann is not insane, and that he was incarcerated in the asylum without due process of law.

Grant Mann is not insane, the complaint states. "He is unlawfully imprisoned and restrained in the Oregon state hospital. He is not under sentence or judgment of any competent civil or criminal court. His commitment order was made and entered without due process of law."

An attack is made upon the statutes of the state of Oregon, which if upheld, will effect the legality of the commitments of all the inmates of both insane asylums in the state. "The state of Oregon," the paper states, in providing for the examination and commitment of insane persons, denies due process of law, and no provision is made for notice to the person charged, or for an opportunity on the part of the accused to be heard by himself or counsel, or enter any evidence on his own behalf."

Another point raised by the attorneys is that in the orders issued by the state, each person is committed for an indefinite and indeterminate period, "limited only by the judgment, whim, or caprice of the superintendent." This, they maintain, constitutes an illegal order.

SCOPES TRIAL MAY CLOSE ON TUESDAY

Scientific Witnesses and Evolution Experts Are Barred by Judge

DAYTON, Tenn., July 17.—(By Associated Press.)—The briefest session yet of the court trying the "Scopes case" today brought the stormiest hour of the trial and forecast the end of the "evolution test" soon.

Judge John T. Raulston, by excluding proposed testimony from an array of scientists shortened the trial by days. The court's decision aroused the ire of attorneys for the defense, sharp words being directed at the court session after he had read his opinion. With their experts precluded from taking the witness stand, the defense will place affidavits in the record setting forth what the zoologists, biologists, pathologists and others would have said had they been allowed to speak. To permit the preparation of these statements adjournment was ordered until Monday morning.

The defense was not expected to offer other witnesses, and after filing of the scientific statements, arguments would be in order. Varying estimates were made of the time required for speech making, but it was considered probable that they would be concluded in two days and the case given to the jury Tuesday.

Today's session was devoted to the reading of the judicial decree against occupancy of the witness stand by scientists and sharp language by attorneys. The first flare-up from the defense table came immediately after the opinion was read when Arthur Garfield Hayes asked that an exception be noted, adding: "It is contrary to every element of Anglo-Saxon procedure and jurisprudence to refuse to permit evidence as to what evolution is and what it means, and what the Bible is and what it means."

Attorney General Stewart gained the courtroom floor as soon as Mr. Hayes had stated his exception to say that in the name of the state he objected to the manner in which the defense exception was stated. He considered it a reflection on the court.

MINISTRY PASSES OUT

PORTUGAL OFFICIALS FAIL TO OBTAIN CONFIDENCE

LISBON, Portugal, July 17.—(By Associated Press.)—The ministry, headed by Antonio Da Silva as premier and minister of war, resigned today. It had been in existence only two weeks. The premier and his ministers tendered their resignation after the chamber passed a motion of lack of confidence in the government by a majority of nine votes. The action of the chamber came as a climax to a long and heated political debate.

SCHOOL HEAD IS KILLED

C. E. MULKEY MEETS DEATH WHEN TREE HITS AUTO

NORTH BEND, Or., July 17.—County School Superintendent Charles E. Mulkey, 45, of Coquille, was killed instantly today in the city park at North Bend. He was driving on the Roosevelt highway when a large tree fell across the road upon his automobile. Mr. Mulkey's neck was broken and the entire upper portion of his body was crushed. He had been visiting schools north of the bay and was returning home via the ferry. The ferry landing is the entrance to the city park and there are scores of giant spruce trees on each side of the road. The wind was blowing a gale and a green tree about three feet in diameter and 150 feet high was uprooted and blown squarely across the road striking the automobile. Emil Peterson of North Bend was driving just behind Mulkey's car and saw the accident.

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