

The Oregon Statesman

SEVENTY-FIFTH YEAR

SALEM, OREGON, THURSDAY MORNING, JULY 23, 1925

PRICE FIVE CENTS

MILLER LOSES SUIT
AGAINST WOODBURN

Action for \$20,500 Damages for Contamination of Stream Is Ended

JURY OUT 45 MINUTES

Lengthy Legal Battle Is Brought to Conclusion in Circuit Court; Many Cases Crowded Out

Nicholas Miller's suit for \$20,500 against the city of Woodburn was lost in the circuit court Wednesday afternoon when a verdict was returned for the defendant. The jury was out for about 45 minutes. Miller declared that sewage, emptied into a creek running through his property, has rendered his land unfit for use. The case was drawn out for five days, although at the start it was docketed for only a day and a half on the calendar.

Miller declared that his land was made worthless by gases and other material in solution in the water, and also alleged that the sewer mains, running into the stream, had increased the flow of the creek to such an extent that some of his land was covered with water. Part of the property is beaver dam land, Miller contended, on which he places a valuation of \$1000 an acre. His attorneys stated that the rental value of the farm is lost on account of the alleged sewage contamination.

The attorneys for the city of Woodburn demonstrated that all sewage from the town is run through septic tanks at different points in the city and that a tank receives all waste from the smaller receptacles. This was denied by the plaintiff in his reply.

Judge Percy R. Kelly, in charging the jury, read the statutes pertaining to the contamination of streams, and also stated that if it was shown that the plaintiff had taken no reasonable care to prevent the property damage, this must govern them in their verdict in rendition of damages.

Immediately on the conclusion of the Miller case, the trial of the state against James Raker was started. Due to the time lost in the civil action, many other cases have been crowded off the calendar and all possible speed will be necessary in order to clear up the cases before the end of the month. Saturday will be motion day, when the calendar will be rearranged.

PAPE DENIES CHARGES

FORMER GERMAN VICE CONSUL HELD AS EMBEZZLER

PORTLAND, July 22.—(By Associated Press.)—Clement J. Pape, former German vice consul here and resident manager of the Shanghai Building company, who was arrested yesterday at Grants Pass charged with embezzlement of between \$60,000 and \$70,000 from the company, declared when brought here today that he had been made a scapegoat.

"This is the result of blackmail, intimidation and malicious persecution," he said at the county jail where he is held in lieu of \$50,000 bail. Pape was found by officers working as a laborer in a rock quarry near Grants Pass.

He said his trouble resulted from an attempt to cover up an unfortunate speculation by an officer of the company who, he said, is a wealthy resident of Shanghai. Pape declared that several times he had been promised immunity if he would agree to admit that he had stolen the money that the company is short.

Pape denied charges that he had been extravagant and had squandered money on a woman.

STEEL MASS KILLS BOY

HUGE PILE OF CONSTRUCTION IRON FALLS ON YOUTH

SEATTLE, July 22.—(By Associated Press.)—Douglas Fairweather, a student at the University of Washington, was instantly killed here today when he was buried under a mass of piled steel at the Pacific Coast Steel company.

With J. D. Murphy, foreman of the yard crew of the concern, Fairweather was walking between two rows of piled steel. Suddenly the steel began sliding in their path, burying the youth under tons of the heavy material. Murphy miraculously escaped.

MINER IS DROWNED

SEATTLE, July 22.—(By Associated Press.)—Clarence Furnish, a young chute starter in the Pacific Coast Coal company's mine at Burnett, near here, was drowned today in a passage 2,700 feet below ground.

FISH COMMISSION LINE
IS TANGLED ONCE MORE

HAYES, OF BAY CITY, WILL SUCCEED KENDALL

Pierce Denies Garland Appointment and Receives Inquiry With Surprise

Political lines in fish commission affairs became tangled Wednesday with the appointment by Governor Pierce of J. S. Hayes, clam cannery owner of Bay City, to succeed Senator A. G. Beals of Tillamook, who resigned because of ineligibility, and the statement by the governor that he had never appointed Senator S. M. Garland of Lebanon to the commission to succeed John C. Veatch of Portland.

Announcement of the appointment of Hayes was the first intimation that Senator Beals had chosen to remain in the legislature instead of accepting the place on the fish commission, the attorney general having ruled that he could not hold both positions under the law.

When asked who would succeed Senator Garland, Governor Pierce assumed an attitude of surprise and denied the appointment. Veatch, he said, is still serving on the commission.

Senator Garland, during a recent visit to the state house, told newspapermen that his appointment came unsolicited. He did not qualify for the position, waiting the ruling of the attorney general to ascertain his status under the law. He was not expected to qualify until after he had returned from a trip to California. Veatch, the governor says, has not resigned. There is no record at the executive office of Garland's appointment.

The appointment of both Beals and Garland was announced following a protracted session between Senator B. L. Eddy and the governor, that of Garland being a compromise, it was announced after the conference.

Little is known here of the new commissioner, who will hold office until June 1, 1929. Beals succeeded F. P. Kendall of Portland on the commission June 1, 1925.

STOWAWAY TRIES DEATH

MAN NEAR DEATH IN HOSPITAL BELIEVED DESERTER

ASTORIA, Or., July 22.—A. F. St. George, believed to be a deserter from the U. S. navy, who attempted suicide on the steamer Rose City while en route from San Francisco to the Columbia river Tuesday night, was taken to St. Mary's hospital here on arrival of the vessel at Astoria at 7 p. m. Hospital authorities stated tonight that he had a chance for life.

Following his death attempt St. George made vague statements to W. F. Atkins, chief steward of the vessel, to the effect that he had gotten into trouble in the Philippines and that someone at the Mare Island navy yard "has me hypnotized."

St. George, who stowed away on the Rose City and who was put to work washing dishes after his discovery soon after the ship passed the Golden Gate, made his death attempt Tuesday night. He was found by Chief Steward Atkins, who cauterized his wounds and who took 14 stitches in his throat, using a surgical needle found aboard, a pair of pliers borrowed from the radio operator, and dental floss for thread.

The local sheriff's department has wired the Mare Island navy yard regarding the man.

MAN PIERCED BY BOLT

LIGHTNING PASSES FROM HEAD TO FEET OF FARMER

BOZEMAN, Mont., July 22.—Lee T. Cushing, prominent rancher of Gallatin county, was instantly killed by lightning at his ranch home six miles south of Bozeman this afternoon at 2:30 o'clock, during one of the worst rain storms of the season.

Mr. Cushing was returning from an inspection of a field of peas, which had been damaged by hail a few hours before when he was stricken down. An ugly wound in the head showed where he was struck and a hole in the bottom of one of his feet indicated the bolt passed completely through his body. He was leading a saddle horse at the time, but the animal was not injured.

COUGAR ATTACKS HORSE

KELSO, Wash., July 22.—(By Associated Press.)—A telephone message received here tonight reported that a cougar attacked and nearly killed a horse near Long Bell Lumber Camp No. 4, near Rydewood today. Tracks indicated the animal was very large. Hunters with dogs are tracking the cougar.

STREAM POLLUTION
DECLARED MENACE

Billion Dollar Industry Is Threatened According to Fishery Experts

PROBE DEATH OF TROUT

Dr. Henry B. Ward and State Game Warden Will Investigate Conditions at Oak Ridge

One of the gravest problems to be faced by Oregon if the preservation of natural resources is to be considered as seriously as it should be, is that of stream pollution, according to Dr. Henry B. Ward, head of the zoological department of the University of Illinois, and consulting expert for the United States bureau of fisheries for the past 30 years. Dr. Ward stopped in the city for a few minutes last night with E. T. Averill, newly appointed state game warden, en route to the fish hatchery at Oak Ridge, where an investigation will be made to find the cause of the death of between 5,000 and 10,000 trout daily.

Last year over 7,000,000 trout died at Diamond Lake and a good many thousands died at the Oak Ridge hatchery from an unknown cause. It is believed that the cause of this enormous loss is due to some sort of poisoning from stream pollution, but no definite statement can be made until after

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GALLOWS FACED AGAIN

ALLEGED SLAYER OF DRUG CLERK IS RECONCILED

CHICAGO, July 22.—(By Associated Press.)—For the second time within a week Russell Scott tonight stood within the shadow of the gallows and announced that he was placing all his hope "in the hands of Almighty."

Scott, former Canadian financier, sentenced to hang for the murder of a drug clerk during a hold-up in 1924, was given a week's reprieve by Governor Small last Thursday night, six hours before he was to have been executed.

With less than 36 hours separating him from death, Scott tonight said he believed he would escape the gallows, if Robert Scott, his accomplice in the hold-up, could be found. From the state's attorney's office came the statement, "find Robert and we will hang them both."

Mrs. Catherine Scott, the condemned man's wife, visited him again today shortly before the double watch was placed over him in the death cell.

WILLYS-OVERLAND MEN
GIVING DEMONSTRATION

FREE ENTERTAINMENT OFFERED THROUGH VICKS

Full Information on Internal Combustion Engines to Be Given Visitors

Free rides, free entertainment, and full information on internal combustion engines will feature the Willys-Overland party to be given Thursday and Friday nights at 8 o'clock, by Vick Brothers, Willys-Overland dealers, at their display rooms at Trade and High streets.

The guest of honor and principal speaker of the evening is Lee R. Bryant, a representative of Willys-Overland who has been closely associated for a number of years with H. J. Edwards, W. S. Fisher, and A. C. Miller, original engineers and designers of the Willys-Knight engine, and has also been with engineering departments of leading motor car manufacturers for years.

Mr. Bryant brings with him a complete demonstration outfit of cut-away and sectional engines which show in a most interesting way just how sleeve-valve function differently than others—as well as the new Overland six-cylinder engine used in the new Overland Six.

"The Story of the Knight" as told by Mr. Bryant is both entertaining and instructive. It deals with the history, construction, and advantages of the sleeve-valve type of automobile engine. He makes it so simple with illustration and working models that every motorist can readily understand even the technical points which will help him to better understand his car and keep it working at the highest point of economy and efficiency.

After the entertainment and talk by Mr. Bryant, the general public will be invited to ride

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STATE POWER IS URGED

INDIVIDUAL COMMONWEALTH SHOULD HAVE CONTROL

WASHINGTON, July 22.—(By Associated Press.)—Relinquishment of additional governmental functions to the states was advocated today by Secretary Work as one way to cut down the federal budget. Some of the things now done by the federal government, he said, the states can do as well or better. He did not go into details.

"Authority should be centralized in Washington," he continued, "but responsibility for operation should be decentralized in states wherever possible."

He also proposed that duplication of effort among the bureaus in Washington be curtailed by giving executive officials authority to discontinue such activities as are found necessary.

FINAL ACTION DELAYED
ON PARKING ORDINANCE

FEW COUNCILMEN SHOW UP FOR SPECIAL MEETING

Zoning Commission Plan Adopted; Routine Matters Given Consideration

The ordinance providing for headon parking, which was to have come up before the council last night for final adoption or rejection, was not voted upon because of the small number of aldermen attending the meeting. The bill was laid aside until the next meeting in order that all of the members of the council might have the opportunity of voting upon it, or as was suggested by one alderman, be required to vote on the bill.

A bill providing for the appointment of a city planning and zoning commission was passed. The commission is to consist of the mayor, city attorney, ex-officio, and seven other members to be appointed by the mayor.

It will be the duty of the commission to attend to all plans for laying out streets, widening streets, platting of ground, erection of buildings and zoning ordinances.

The establishment of this committee will make possible the prevention of the trouble faced by Boston in its narrow and crooked streets, it is said.

An ordinance prohibiting the stopping, parking or leaving of any vehicle on any bridge, or approach to any bridge within the corporate limits of Salem and prohibiting the parking of vehicles on the west side of Front between Ferry and State was passed.

The bill provides that vehicles may be parked while they are being unloaded, loaded or to take on passengers on the west side of Front between the restricted zones.

A bill to repeal ordinance 377, providing for the charging of a \$50 license fee for steamboats docking at Salem, was passed. This license bill has been on the statutes for a good many years but has never been enforced.

The city recorder was instructed

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PUNISHMENT IS HARSH

BOBBY HURLBURT WHIPPED WITH ROPE BY FATHER

Bobby Hurlburt, 9, who lives at 555 Marion, displeased his father Saturday and was severely beaten with a rope. Neighbors were aware of the spartan punishment and proceeded to notify the proper authorities.

When Bobby's father was haled before the juvenile court he was given a reprimand and cautioned against repeating the peculiar type of punishment.

Bobby's little body was badly bruised by the lashing. His cries were heard over the neighborhood and the punishment did not cease until he was unable to cry more.

BIBLE CASE MAY GO
TO FEDERAL COURTS

Evolution Case May Be Acted on From Different Angle; Suit Started

DISRESPECT SAID TAUGHT

Professors Declared to Have Cast Aspersions on Accuracy of the Bible; Proceedings Are Filed

WASHINGTON, July 22.—(By Associated Press.)—An action which may throw the evolution question into the federal courts for judicial determination as to whether the teaching of this scientific theory inculcates disrespect for the Holy Bible was begun here today by Loren H. Wittner, a government employee.

The vehicle employed is a rider to the 1925 District of Columbia appropriation bill which provides that "no part of this sum (for the public schools) shall be available for the salary of any superintendent who permits the engaging of any teacher who teaches disrespect for the Holy Bible."

The action is in the nature of an injunction proceeding directed at the auditor and disbursing officer of the District of Columbia and Frank White, treasurer of the United States, to prohibit them from making further payments of salaries to Frank W. Ballou, superintendent of schools, and W. P. Hay, head of the department of biology and chemistry in the supreme court, issued a ruling on the two district officials, Daniel J. Donovan and James R. Lusby, and Mr. White, directing them to appear July 28 to show cause why an injunction should not issue against them.

In his petition Wittner sets forth that he brings the suit in his own right as taxpayer. After the filing of the suit he declared he was acting for himself. He is represented by B. M. Dolby and J. N. Torrestad, young Washington attorneys.

Explaining that the case here differs widely from that tried at Dayton, Tenn., Attorney Dolby said the local courts will be asked to interpret the words "disrespect for the Holy Bible," and that this should allow an infinite amount of evidence from scientists, religious liberal fundamentalists, the clergy and educational leaders.

In the Dayton case, he added, the sole question was if a state statute had been violated and since admittedly it had been, the courts were left to decide only that question and the higher courts would be without jurisdiction on the question as to whether the law itself is in conflict with the constitution.

In his petition Wittner alleges 11 specific instances in which Ballou and Hay either teach or permit to be taught matter contradicting the literal words of the Bible. He referred directly to G. W. Hunter's biology, cited in the Dayton trial, as one of the approved text books in the Washington high schools, and said this and other text books conflicted with the Scriptural text.

One of the specifications typical of the construction of all says: "Plaintiff further avers that said Ballou permits the teaching of the physics from the approved text books in the public schools of the

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U. S. FLEET WELCOMED

AUSTRALIAN CITIES PLAN A CELEBRATION FOR MEN

MELBOURNE, July 23.—(By Associated Press.)—The United States fleet today found harbor in Australian waters.

One detachment entered Melbourne harbor this morning, while another was received at Sydney, N. S. W. Arrival of the two sections of the fleet was the signal for extensive celebrations of the American visit at both cities.

Melbourne was ready. The most elaborate reception arrangements had been completed, with no detail overlooked. Lengthy articles appeared in today's newspapers warmly welcoming the fleet. Messages from high officials of both state and federal governments and the lord mayor of Melbourne also were printed. The Victorian parliament stands adjourned for three weeks to enable its members to participate in the welcome. Thousands of persons were conveyed by trains to points of vantage around Port Melbourne today to witness the coming of the big gray warships.

An aerial demonstration was a spectacular feature of the city's welcome to the visiting ships.

A threatened strike of street car operatives was averted today when the moderate unionists refused to participate in any strike during the fleet's visit.

ANNUAL CORN SHOW
CREATING INTEREST

WOULD SHORTEN ROUTE TO PORTLAND 15 MILES

Efforts Are Made to Have It Designated State Instead of Market Road

Many people in the Dayton district of Yamhill county are deeply interested in a state road leading south from Dayton to Salem over what is generally known as the River or Wallace road. Such a road, the Dayton people say, would shorten the distance from Portland to Salem by 15 miles, traveling on the West Side highway.

This road has already been designated as a market road by the county courts of both Polk and Yamhill counties, as it passes through not only a thickly populated district, but also one of the most prosperous sections of the Willamette valley.

For several years there has been great interest in the construction of a state road leading north from Salem over the Wallace road, not only from the fact that the many people living in that part of Polk county are entitled to good roads but from the fact that such a state road would relieve the heavy traffic of the Pacific highway.

The interest of Salem in such a direct road north is due to the fact that the highway on the west side of the river is paved from Portland to Dayton. With the 22 miles of road from Dayton to Salem made into a state road, a portion of the tourist travel from the north would travel south by way of Newberg and Dayton to Salem.

The main fact in favor of converting the Wallace and River roads into a state road as far north as Dayton is the fact that the people living in the districts adjoining the roads feel they are entitled to better roads.

THREE FIRES REPORTED

PLANES SUCCESSFUL IN FINDING BLAZES IN TIMBER

SEATTLE, July 22.—(By Associated Press.)—Inspection of forest fires by airplane in King, Snohomish and Skagit counties Tuesday showed only three small blazes, State Forest Supervisor Joy reported here today. He made the trip in a plane piloted by Lieutenant Davis Logg of Seattle.

One fire in Skagit county has burned over 4,500 acres of logged off land and green timber. Well equipped crews of fire fighters are on the job, however, Joy said, and if weather is favorable the blaze can be controlled.

Port Angeles today reported that a fire which started this morning threatened a large tract of timber on the head of Port Discovery bay. Three men were employed to fight the flames.

Advices from Bellingham stated that seven forest fires were started in the Mount Baker national forest by a lightning storm last night.

FLEET POLICY REMAINS

WILBUR CORRECTS IMPRESSION GIVEN PORTLAND

There is no change pending in the Pacific naval policy, Secretary of the Navy Wilbur said yesterday during a brief stop in the city in order to correct the wrong impression that arose from his remarks in Portland.

"The eleven ships in Pacific waters will continue in the Pacific and bases will remain at San Pedro, San Diego, San Francisco and Puget Sound as they have for years," he said. "The midshipman squadron composed of the New York, Arkansas and Utah will go to the navy yards upon leaving Astoria and be modernized."

SOLDIER ASKS DECREE

HUSBAND LISTED AS DEAD; WIFE MARRIES AGAIN

SPOKANE, Wash., July 22.—William O. Perry today asked the superior court here to grant him a divorce from the wife in England who has thought him dead in battle for the last 24 years.

Perry says in his petition that he was called to the colors and sent to South Africa soon after his marriage. When he returned to his home in Birmingham, Eng., three years after he was wounded in action in the Boer war and was officially reported dead, he found his wife had remarried.

He came away and for years wandered about Canada and the United States, he says.

CHARLES W. EATON DIES

TACOMA, Wash., July 22.—Death came suddenly to Charles W. Eaton, civil engineer, traveler and philanthropist of Haverhill, Mass., here last night, while he was sitting in an arm chair reading, at the home of his friends, Mr. and Mrs. J. F. McGee.

CLOUDBURST HITS
CITY; DAMAGE HIGH

Entire Business District of Colorado Town Is Submerged by Deluge

MANY ARE HOMELESS

Thousands Prepared to Flee for Lives; Trains Marooned; Another Flood Reported on Way

TRINIDAD, Colo., July 22.—(By Associated Press.)—Trinidad tonight is divided by the roaring waters of Pickett Wire river. Hundreds of lowland homes are flooded, bridges wrecked, railroad tracks washed out and heavy property damage has been done following a cloudburst here shortly before 7 o'clock tonight.

At 8:30 o'clock tonight the water had begun to recede somewhat, but another heavy flood of water was reported descending toward the city from the Stonewall mountain region, 40 miles west of the city, where a cloudburst was reported at about same time as that in Trinidad.

The cloudburst occurred in two sections, the first coming at six o'clock followed by a major deluge before seven o'clock. Retaining walls of the river banks broke under the impact of the torrent and hundreds of residents of the bottom lands were driven from their homes.

The Santa Fe railroad station and the Harvey hotel were surrounded by water. Much wreckage in the railroad yards and along right of ways into the city was washed out.

The Denver and Rio Grande Western railroad bridge near the city was washed out and a passenger train due in from Denver shortly after 7 o'clock is marooned several miles from the city.

Vegetation and foot bridges in the city also were washed out completely, isolating the north and south sides of the city, except for one small bridge which was closed by police.

Old residents say the flood is the worst in this city since 1904, when all bridges were washed away and hundreds of thousands of dollars of property lost. Fully one half of the business and residential districts tonight were submerged.

Fear is felt generally that the disaster may be heightened if the flood reported coming from the mountains materializes. A special police automobile left the city for the south to warn farmers and neighboring townspeople to prepare to flee.

The large steel Santa Fe bridge at Jansen, three miles west of this city, was washed out tonight. All eastbound trains are being held at Raton, New Mexico, and all west bound trains were held up here.

LONGEVITY IS DISCUSSED

PROPERLY BALANCED LIFE NECESSARY, DOCTOR SAYS

SEATTLE, July 22.—(By Associated Press.)—Longevity is hereditary, Dr. Lowell Franklin Barker of Johns Hopkins university, asserted in a lecture under the auspices of the public health league of Washington here tonight.

Dr. Barker spoke on means of preventing premature old age. A properly balanced life, including sleep, exercise, work, recreation and food in correct proportions is the best recipe for staving off the ill of age, he said. Care of the teeth and treatment of tonsils and adenoids in children also do much to prolong life by preventing head diseases later, he advised.

PRESS NOTICES BANNED

EXTRADITION OF PRISONERS WILL BE KEPT SECRET

OLYMPIA, Wash., July 22.—Breaking a precedent of long standing, information on extradition papers authorizing the movement of prisoners to and from the state will not be given out to the press at the executive offices in the future, it was learned today.

In explaining Governor Hartley's attitude on the matter, A. H. Gardner, his secretary, stated that the governor felt that publication of the information might enable accomplices of desperate criminals to arrange in advance for the delivery of their comrades from the custody of officers while in transit. After the requisitions are issued they are made a matter of public record in the office of the secretary of state, it was pointed out.

