

The Oregon Statesman

SALEM, OREGON, THURSDAY MORNING, FEBRUARY 4, 1926

PRICE FIVE CENTS

ZONING APPEAL TO HIGH COURT

Decision on Portland Law to Bear Upon Power of Salem Commission

WRIT OF ERROR GRANTED

Controversy, Thought Ended, to Be Revived as Legal Battle Shifts to United States Supreme Court

A legal battle, which may well have important bearings on the authority of the zoning commission of the city of Salem, is seen in the grant of appeal to the United States supreme court of a new attack on the Portland zoning ordinance.

During the recent controversy concerning the constitutionality of the Portland zone law, moves to segregate business and residential property in Salem, and regulation of construction, were halted pending the outcome of the legal battle.

Now comes the grant of an appeal over the head of the state authority to the United States supreme court. Should this appeal result in a declaration of the illegality of the building restrictions ordinance of Portland, the verdict would come home forcefully to all now working on city beautiful plans.

Constitutionality of the Portland law was first questioned when Ernest Kroner and Frank Michaels were denied a permit to construct and operate a crenatory in a Portland residential district.

The city of Portland then appealed to the state supreme court which, in a five to two opinion, reversed the lower court and upheld the constitutionality of the ordinance.

DANCERS SET NEW MARK

CHARLESTON IS HOPPED FOR 22 AND HALF HOURS

NEW YORK, Feb. 3.—(By Associated Press.)—After 22 and a half hours continuous dancing of the Charleston the three remaining contestants—all men—were stopped tonight by the judges in an endurance race started at midnight yesterday in the Rossland, a Broadway dancehall.

Shock Hits Japan

SEVERE EARTHQUAKE IN NORTH JAPAN FELT

TOKIO, Feb. 4.—(By Associated Press.)—A venemous earthquake shock, the most of Aomori, in north Japan, was felt here today. The quake lasted one minute and 15 seconds. No details have been reported as to damage done, if any.

Many Opportunities Open In Statesman Car Contest

"Everybody Wins." Free Gift Distribution Means Real Money for All Who Enter, Auto Editor Wants Real Fighters Who Will Go Out and Win Handsomely.

Salem and this entire section today is agog over The Morning Statesman's great "Everybody Wins" free gift distribution. Everybody is talking. And but few are doing.

ILLIHEE COMMITTEES CHOSEN BY PRESIDENT

INFORMAL MEET OF CHAIRMEN WILL BE CALLED

Will Show Slow Motion Pictures of Golf Shots by Hagen and Jones

Dr. C. H. Robertson, president of the Illihee Golf club, has announced the names of those he has appointed on committees for the coming season.

He urgently requests that the chairman of each committee will get in touch with the other members of his committee for an informal meeting to be held Wednesday, February 10, at 7:45 p. m. in the rooms of the Salem chamber of commerce.

At this time he is arranging to secure slow motion pictures of golf shots so that local members may be aided in improving their games. The pictures are of Walter Hagen and Bobby Jones.

Following are the committees appointed:

Finance committee: T. A. Livesley, chairman; Dan J. Fry, J. H. Farrar, C. B. Webb and J. J. Roberts.

Handicap committee: A. A. Keene, chairman; D. A. Young, Cecil Kay, J. H. Farrar, Mrs. O. C. Locke, Mrs. E. L. Baker and G. P. Sharkey.

Greens committee: H. H. Olinger, chairman; O. L. Fisher, L. C. Farmer and W. H. Burghard.

Tournament committee: D. A. Young, chairman; Bredler, C. Small, O. C. Locke, Rex Sanford, Dr. A. G. Bates, Tom Wood and G. P. Sharkey.

Membership committee: Gus Hisor, chairman; O. F. Franklin, C. F. Byrd, Al Krause, Vic MacKenzie, George King and G. P. Sharkey.

Junior committee: Frank Shafer, chairman; Chandler Brown, and Harold Olinger.

House committee: W. W. Paul.

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WIND STRIKES FLORIDA

HURRICANE KILLS BABE; 300 RENDERED HOMELESS

WEST PALM BEACH, Fla., Feb. 3.—(By Associated Press.)—Jack Eugene Driscoll, 1 1/2 months old, is dead, and several persons are injured as a result of a wind-storm of hurricane force which struck Green Acres today.

Approximately 300 persons are homeless, 20 houses were destroyed by the wind. The houses, mostly, were of a flimsy temporary construction. The damage was estimated at \$750,000. Relief measures are under way and it was assured that every storm sufferer had a place to sleep tonight.

LIVESLEY BUYS LAND

300 ACRES PURCHASED IN NORTH FOR HOP RANCH

CHILIWACK, B. C., Feb. 3.—(By Associated Press.)—T. A. Livesley company of Washington and Oregon, has purchased 300 acres of reclaimed land north of Sumas, Wash., from the British Columbia Land Settlement board for hop raising. The company, which is headed by H. N. Ord, of Portland, has taken an option on 500 more acres adjoining the property. The concern has announced its intention of becoming incorporated under Canadian laws.

DEPRESSED, ENDS LIFE

YOUNG MOTHER OF SIX CHILDREN COMMITS SUICIDE

BEND, Ore., Feb. 3.—(AP)—Mrs. J. W. Fisher age 29 years and the mother of six children died early this morning at a local hospital as the result of having drunk poison with suicidal intent according to the verdict of a coroner's jury. A nervous breakdown due to overwork was thought to have been the reason according to physicians testifying at the inquest.

CHARGES RISE IN BRIBE CASE

Roy Moore, Confessed Bootlegger, Takes Stand Against Dry Agents

DR. LINVILLE GRILLED

Charges of Bribery and Glimpses of Wholesale Liquor-Making Activities Feature of Trial

PORTLAND, Ore., Feb. 3.—(By Associated Press.)—Glimpses of the operation of the wholesale moonshine business in Oregon, the disappearance of the government's principal witness, charges of bribery, selling out and double-crossing on the part of federal prohibition agents, intimation that there was a "leak" of government liquor from the custom house and the declaration that an effort would be made to impeach testimony by Dr. J. A. Linville, ex-federal prohibition commissioner of Oregon were a few of the developments at today's session in Federal Judge C. E. Wolverton's court of the conspiracy case against Robert and A. C. Smith and Arthur Christensen, ex-federal prohibition agents in this district.

Proceedings reached their climax when Dr. Linville, now assistant prohibition director for the 20th district with headquarters in Seattle, went on the stand.

Dr. Linville told of meeting Roy Moore, an admitted bootlegger, who gave his office some information on July 11, and also admitted that both of the Smith boys, sons of Johnstone Smith who preceded Dr. Linville as prohibition commissioner here and afterwards became warden of the state penitentiary and Christensen had worked as agents out of the local office.

Dr. Linville and Elton Watkins, attorney for the three defendants, had it back and forth when an effort was made to have the prohibition director admit that Captain Zellner, a member of the Portland fire bureau who served as a special agent for some six months, had been sent to Astoria to "frame" Christensen.

Mr. Watkins declared that he would introduce witnesses in an effort to impeach his testimony. George Hariburt, special agent, recently assigned to the office of the prohibition commissioner at San Francisco, who previously was

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TRAFFIC STOP ARRESTS MADE

Five Men Held for Failure to Halt Before Entering Through Streets

LAW'S TEETH DISPLAYED

Chief Declares All Vehicles Must Come to Dead Stop Before Passing Signs; Officers Will Enforce

Warnings issued early this week that the stop street bill would be rigidly enforced came back to roost, yesterday, when city police made five arrests for alleged violations of the new ordinance. Their cases will come up today.

Roy Rae was arrested at about 3 o'clock yesterday afternoon, the first arrest to be made for this offense. G. D. White made the arrest. George N. Peterson was hailed shortly afterwards by Officer White. Later in the day L. L. Keach, R. G. Miller, A. Edwards and F. W. Lang were arrested on the same charge.

Chief Frank Minto has given orders to the "boys" to arrest all cases detected of failing to stop at the streets where the stop posts are up.

"There is no excuse for drivers not stopping," declared Chief Minto. "The signs are on conspicuous yellow and black striped posts, are in conspicuous places, and the signs themselves are very legible.

"Slowing down is not going to be enough. All cars must come to a dead stop. And the stop must be made at least before the post is reached—not in the middle of the intersection."

Streets declared to be through streets in the ordinance are as follows: Portland Road, from north city limits to the south line of Highland avenue; Fairgrounds

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Fiddle, 150 Years Old To Feature Lions Fete

Presidents of Service Clubs to Judge Applause of Audience; Merchants Augment Lengthening List of Prizes; Extra Seats to Be Placed in Armory

Presidents of Salem's service clubs have been chosen to interpret the applause of the audience tomorrow night, in awarding prizes to Old Time Fiddlers following the revel in the interest of the Lions Club Benefit fund at the armory.

Frank Henson, one of the most recent entrants, himself more than three score years and 10, will bring with him a fiddle that is more than 150 years old. In addition to the \$25, \$15 and \$10 prizes originally offered by the Lions club, several \$5 awards have been posted by local Lions and the following merchants offer merchandise prizes of \$5 value:

Capitol City Cooperative Creamery, Al Krause, Cosmopolitan store, Capital Drug Store, John Rottle, Scotch Woolen Mills, Burnett Brothers, George C. Will, Piggly Wiggly, Staples, Fred M. Powell, Valley Parts & Supplies, Cherry City Cleaners, Nelson & Hunt, Giese-Powers, Harry Scott, C. F. Breithaupt, and Doughton & Sherwin.

As announced, the contest, which begins at 8 o'clock, will be judged by popular applause, but the following club presidents have been asked to turn that applause into votes: Fred Thielsen, president Rotarians; Ed. Schunke president Kiwanians; George Grabenhorst, president of the Chamber of Commerce; Ross Miles, president of the Lions and Dr. Bates, president of Longfellows.

Following the fiddling contest, in which old songs only will be used, will come an old fashioned dance. Chairs will be removed from the main floor and an orchestra will play for the steps grandmother used to use, and grandfathers practices now and then when the spirit moves.

Plans are laid for a record Armory attendance, with liberal response of merchants in augmenting the prize list indicating the appeal of this evening of old fashioned entertainment which will, at the same time, enable a public spirited group of men to meet the demands for help that they constantly face. List of entrants to date follows:

E. A. Pruitt, John Oudeans, J. C. Matthes, C. W. Hill, William Calder, T. P. Stalcup, W. Z. Simpson, J. M. Groves, W. F. Cooper, J. D. Mayes, O. A. Sanders, Clarence Blakesley, C. E. Thiffit, C. W. Ranck, W. P. Mills, W. F. Speer, C. E. Whitney, C. H. Brown, C. A. Conroy, W. A. Bressler, Laurence Womack, L. P. Womack and F. J. Henson.

3 DIE IN MINE BLAST

SCORE ARE ENTOMBED; TWO FOUND ALIVE

PITTSBURGH, Feb. 3.—(By Associated Press.)—Three men were killed and 21 entombed by an explosion in the Pittsburgh Terminal Coal Corporation's mine No. 4 at Horning, near here today. Two men, including Edward Travis, brother of the superintendent of the mine, were found alive.

Assisting in directing rescue work and reporting that he believes the trapped miners are dead, Travis' "Buddy" Lewis Powell, who also escaped unhurt, remained in the workings and continued to aid the more than 100 men comprising the rescue crews. The rescuers were reported working their way slowly toward the section where the entombed men were working.

SURTAX RATES SLASHED

MAXIMUM RATE IS CUT FROM 40 TO 20 PER CENT

WASHINGTON, Feb. 3.—(By Associated Press.)—Sharp reductions in the income surtax rates, including a slash in the maximum rate from 40 to 20 per cent were voted today by the senate in accepting the schedule were written into the tax reduction bill by its finance committee.

The total tax reduction thus voted was estimated at \$122,000,000 for this year; the committee having increased the total over that approved by the house to the extent of \$22,000,000 by providing for greater reduction in incomes between \$6,000 and \$100,000 where the maximum would take effect.

APPROVE GERMAN ENTRY

REICHSTAG VOTES FAVORABLY ON LEAGUE

BERLIN, Feb. 3.—(By Associated Press.)—The foreign relations committee of the reichstag today approved Germany's entry into the league of nations and this cleared away the last international political obstacles to the goal set by Chancellor Luther and Foreign Minister Stresemann in the Locarno deliberations.

DRY LAWS HIT; CHANGE ASKED

Volstead Act Has Undone All Work, Episcopal Temperance Worker Says

SEEKS TO MODIFY BILL

Former Superintendent of New York Anti-Saloon League Says Prohibition Has Been a Mistake

NEW YORK, Feb. 3.—(By Associated Press.)—The Rev. Dr. James Empringham, national secretary of the Church Temperance society of the Episcopal church said today that the society, which worked for the passage of the 18th amendment, now will work modification of the Volstead act to permit sale of light wines and beer.

Dr. Empringham, who was at one time superintendent of the Anti-Saloon league of New York said a nationwide survey of prohibition enforcement had convinced him that the Volstead act "had undone the temperance societies' 50 years of educational work."

Speaking at a meeting of the "against the use of alcohol," Episcopal clergy of New York, he asserted that "prohibition had increased drinking among young people; discouraged the consumption of wine and beer and increased the demand for distilled liquors which today are mostly poisonous; had brought about disrespect for all laws and a class legislation, discriminating in favor of the rich."

The national secretary said he had made a report of his findings to the clergy of the Episcopal church of New York over the protest of Wayne E. Wheeler, general counsel of the Anti-Saloon league, who requested him by telephone, telegram and mail to withhold it, saying that it would "show that prohibition had failed."

"I started out a year ago," Dr. Empringham said, "to gather material for a pamphlet to show that prohibition was a success. I haven't finished that pamphlet. My survey behind the scenes of enforcement in Chicago, St. Louis, Baltimore, Philadelphia and other cities, showed me that I had been a darned fool to give up a good church and a big step toward making the world better overnight."

"We thought that a law would be better than education to stop drinking. I admit that we made a mistake. "No law is of any value," he continued, "unless you can get public sentiment generally behind it. Unfortunately the states were asking the people to conserve grain to win the war. Forty-six of the 48 states submitted over each other in a rush to ratify the amendment. The question was never referred to the individual voters. Now that the war spirit

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LOGS SPLIT BY POWDER

INVENTOR USES GUN INSTEAD OF TIME-HONORED AX

SEATTLE, Feb. 3.—(AP)—A gun with which the inventor contends a man can split three times as much wood as with an ax at a cost of about eight cents a cord, was demonstrated here today by the inventor, Joseph A. Webber of Vancouver, Wash. The gun consists of a hollow steel pipe which when driven as inch or two into a log and charged with powder and fired, splits the log wide open.

McDOUGAL CASE TO OPEN

WEEK TO BE MARKED BY THREE DRIVING CHARGES

If all plans of the city court work out, this week end will be a strenuous one, with three trials for driving while intoxicated looming up. Walter McDougal arrested a few days ago on the charge of driving while under the influence of intoxicating liquor, is slated to have his trial today. Dan Miles is said to be fighting his case for him. If McDougal and McDougal will enter a plea of not guilty.

MY! HOW THINGS HAVE CHANGED IN THE WASHINGTON HOUSEHOLD!

