

Slander Damage Cut from \$20,000 to \$5,000 in Doctor's Bill Case

CRITICISM UNJUST HIGH COURT HOLDS

Term 'Grafter' Was 'Gross Exaggeration' Said Highly Warranted

The state supreme court yesterday reduced from \$20,000 to \$5000 the judgment allowed by the circuit court for Clackamas county in a suit brought by Dr. H. S. Mount of Oregon City to recover damages for slander from seven other physicians with offices in that city. Defendants named in the complaint were Drs. O. A. Welsh, M. C. Strickland, A. H. Muecke, C. H. Meisner, W. Ross Easton, C. A. Stuart and George E. Stuart. The opinion was written by Justice Brown.

It was charged by Dr. Mount that in protesting payment of a bill he had presented to the county court in connection with an autopsy over the body of Alexander DeFord the defendants referred to him as a grafter and alleged that his testimony before the coroner's jury was misleading and gross misrepresentation.

"The circumstances surrounding the case at bar," read the supreme court opinion, "neither justified the defendant physicians in charging the plaintiff with willfully giving false testimony, nor with gross ignorance, nor with being a grafter, nor with profiting therefrom. The record plainly discloses that the assertion that Dr. Mount is a grafter was a gross exaggeration, and that the application to him of that term was unwarranted.

"In view of the existing facts and circumstances shown by the record, we are of the opinion that the amount of \$5000 would be a fair and just sum to award the plaintiff. Therefore, the judgment of the circuit court will be set aside and findings and judgment entered here in favor of the plaintiff and against the defendants in the amount of \$5000."

The case originally was tried before a jury with Judge Robert G. Morrow of Portland presiding.

In another opinion the supreme court yesterday reversed the judgment in the suit brought by Adela Turk to recover damages from Fred V. Patterson for violation of an alleged marriage contract. The lower court allowed the plaintiff a judgment of \$5000. This suit was appealed from Multnomah county.

Lack of jurisdiction caused the court to refuse to review the action brought by C. C. Chapman and others requesting a change in the title for the referendum measure directed at a law enacted at the last session of the legislature providing for a tax on certain tobacco products.

Other opinions handed down by the supreme court follow:

In the matter of the application of A. J. Davis for writ of habeas corpus; original proceeding. Opinion by Justice Burnett. Writ allowed.

Victor Bloech, appellant, vs Hyland Homes company, et al; appeal from Clackamas county; suit for specific performance of contract. Opinion by Justice Bean. Judge J. A. Ekkin reversed.

Securities Savings & Trust company, appellant, vs John Latta; appeal from Multnomah county; suit to quiet title. Opinion by Justice Belt. Judge J. U. Campbell affirmed.

Louis Carlson vs New Amsterdam Casualty company, appellant; appeal from Multnomah county; appeal from judgment for plaintiff in amount of \$1026.88. Opinion by Justice Coshaw. Judge Robert Tucker affirmed.

Oregon City vs Clackamas county; appeal from Clackamas county; suit to recover money. Opinion by Justice Coshaw. Judge George R. Bagley reversed.

Petition for rehearing denied in Strong vs Moore.

Gabriel Fowler & supply Co., lumber, building materials, paints and varnishes, roofing paper. Get prices there and make a big saving. Office, 176 S. Com'l. (*)

Director's Department Store is building up a reputation for guaranteed merchandise; conducting a real department store; making steady progress, too. (*)

RANSOM STORY IS IN HANDS OF GRAND JURY

(Continued from page 1.)

Pherson was taken for treatment when she appeared June 23, apparently exhausted.

District Attorney's officers said every angle of the case would be thoroughly examined, including stories told by persons who saw the evangelist on the beach at Ocean park, from which point she disappeared May 18 supposedly drowned, to be mourned as dead by thousands of her followers for more than a month.

Persons subpoenaed today included Mrs. Sylvia Oberman of Venice, who told police she saw the evangelist talking to a man on the beach and later in saying goodbye, addressed him as "Denry" or a similarly sounding name.

Other developments today included another threat to destroy Angelus temple, imposing center in the Echo park district, built by

Mrs. McPherson and her followers. This threat declared the temple would be destroyed in two weeks and was signed "The Avengers."

The note was turned over to a private detective agency for investigation. Herman Cline, captain of detectives, who has taken an active part in investigating the kidnapping story of Mrs. McPherson was considerably put out that the note was not turned over to him.

"I am bitterly disappointed," he said. "I expected Mrs. McPherson to show my department the same degree of fairness that I have shown her during my investigation for her recent kidnapping."

Conferences between United States Attorney McNab and his assistants marked the principal move today of federal authorities whose inquiry centers about alleged irregularities in connection with the mailing of a ransom note demanding \$500,000 for the return of the evangelist.

TUSCAN, Ariz., July 6.—(By Associated Press)—O. E. Pape of Tucson today told Chief of Police Dyer that he saw Aimee Semple McPherson, Los Angeles evangelist, in Agua Prieta, Sonora, Mexico, on June 18, five days before she reappeared after having been missing for several weeks. Pape identified the evangelist from photographs and said he was willing to testify, if called upon to do so by authorities who are investigating the case Dyer declared.

Pape declared to Chief Dyer that he was not seeking publicity and that his only motive in coming forward with the story was to aid authorities in their investigation of Mrs. McPherson's disappearance and reappearance.

Pape identified her, according to Chief Dyer, as the smaller of two women he saw in the International cafe, Agua Prieta, about 6:30 or 7 o'clock on the night of June 18. Two men were with them, he said, and one of them closely resembled a picture of a Los Angeles man, who is said to have been formerly connected with the Angelus temple. He described one of the women as smaller than the other, who he said would weigh around 175 pounds. The smaller woman appeared to have red hair, he declared, and added that what particularly aroused his attention were the piercing eyes. The party was traveling in a blue sedan bearing a California license, he said. What first attracted his attention Pape told Chief Dyer was the action of the two women in trying to hide themselves from his view as he and Dr. J. V. Cogan, also of Tucson who accompanied him, parked their auto near an entrance to the cafe.

Cogan told virtually the same story to Chief Dyer.

Pape is president of the Tucson Motor Trades association and owner of an auto agency here.

Vibbert & Todd Electric Store, High at Ferry St. Everything electrical. Good service and low prices are bringing an increasing trade to this store. (*)

JOHN D. BACKS LEAGUE OIL KING CONTRIBUTOR TO ANTI-SALOON LEAGUE

WASHINGTON, July 6.—(By Associated Press)—John D. Rockefeller and his son, John D. Jr., have been the heaviest contributors to the Anti-Saloon league, while two women—Mrs. Barend Van Gerbig, New Canaan, Conn., and Mrs. Marius De Brabant New York City—have given the largest sums to the Association Against the Prohibition Amendment.

This was disclosed today by a partial list of the dry organization contributors made public by the senate campaign funds committee over the protest of Wayne B. Wheeler and a full list of donors to the wet organization, which William H. Stayton, the national chairman insisted should be spread upon the committee record.

The Rockefeller have given \$20,000 to the Anti-Saloon league since Jan. 1, 1925.

The Electric Restaurant serves elegant meals and lunches. Try them; you will come again and bring your friends. Best in Salem 479 State St. (*)

LODGE INSTALLS CHIEFS

Officers of Central Lodge No. 18, Knights of Pythias for the last night as follows: Chancellor commander, N. Frank Sturgis; vice chancellor, Alfred Erickson; president, E. G. Kight; master of work, F. A. Denham; master of arms, E. C. Bushnell; inner guard, C. E. Byrns and outer guard, L. S. Jory.

H. J. Hickerson, of the Pythian home board, gave a short talk on the work done by the home.

PUBLISHER DIES

NEW YORK, July 6.—(By Associated Press)—Edward Russell Thomas, one of the publishers of the New York Morning Telegraph, died tonight at the harbor hospital in the Echo park district, built by

Now In Prison "Bull Pen"



The four convicts who escaped from the prison here Friday afternoon, were returned to that institution Tuesday evening and immediately sentenced to serve six months in the prison "bull pen." They are: Top, left, Richard Franzen; right, Richard Moore; Bottom, left, Walter Fisher, said to be the leader of the quartet, and Elliott Michener.

FOUR MEN ARE TAKEN NEAR McMinnville

(Continued from page 1.)

Moore and Franzen skulking along a fence on the Chegwinn farm. The dog's barking attracted the attention of Percy Chegwinn, a nephew of Herbert Chegwinn. Young Chegwinn, convinced that the two figures were the convicts, telephoned to Deputy Warden Golden, director of the manhunt. Homer Brixey, a neighbor, in the meantime saw the two convicts fleeing across a wheat field toward a wooded area on the R. Black farm. He fired four shots in the air but the fleeing men gave no heed.

Golden assembled all available men, about 30, to comb the ravine. The convicts were found in a fence corner, where they had endeavored to conceal themselves under some boards and ferns.

"Stick 'em up," yelled Brixey, who with Ralph Grenfell, chief of police of McMinnville, spotted the convicts.

"We're coming," answered Moore.

The captives were taken to the Yamhill county jail and the posse resumed the search for the other two. After two hours, it was reported that Fisher had been seen in a clump of trees known as the Malone woods. Again the searchers concentrated and began beating the bushes.

An hour passed and the officers began to believe they were on a blind trail when Raymond J. Casey, 20 year old McMinnville truck operator was heard to yell:

"Throw 'em up."

And Fisher and Mitchener, reputed to have been the more desperate of the quartet emerged from a dense thicket.

Though said to have two revolvers, no firearms were found on any of the convicts. They told officers they threw the guns away.

"We wouldn't have shot any body, anyway. We aren't killers," said one of the youths. The four convicts escaped from the state prison by climbing over the outside of the wall and appropriating a parked automobile in which they drove off. At first the men would say nothing of their escape and subsequent movements, but later talked freely.

"Sure, it was suicide to go over that wall," Franzen declared. "We realized it and we thought one or maybe two of us would get drilled. But we were lucky. I guess."

One of the guards was down inspecting a flume when they went over the wall, but the guard on tower No. 2 was at his post, they declared.

The quartet made Hopewell, 10 miles north of Salem that afternoon and went into hiding that night and Saturday, they related. Saturday night they abandoned the auto and walked to the C. N. Bennett farm, three miles southeast of here where they forced the Bennetts to give them breakfast. By 2 o'clock Sunday afternoon they reached the Ernest Shelbourne place, 12 miles northwest

Mr. Used Car Buyer: Have you seen the real buys at the Capitol Motors Incorporation? See Biddy Bishop, 350 North High St. (*)

Honesteele Motor Co., 474 S. Com'l, has the Dodge automobile for you. All steel body. Lasts a lifetime. Ask Dodge owners. They will tell you. (*)

First National Bank Up By January 1 Is Order

Hansen, Hammond and Co., Portland, Builders of Parrish Junior High School, Named as General Contractors, Work to Begin at Once

The general contract for the construction of the First National bank's new building has been awarded to Hansen, Hammond, and company of Portland, it was stated by bank officials yesterday. Work on the erection of the new building will begin immediately.

The plumbing and heating contract was awarded to Smyth-Warren-Colliver, Inc. also of Portland. The electrical and painting contracts have not been decided yet, but an award of these is also expected to be made within a few days.

The successful bidders for the general contract have built the Pitcock block in Portland, the new Bedell building there, erected for a women's furnishing house, the new Pacific building, and also the Parrish junior high school in Salem.

The contractors have agreed to finish the work by January 1 of next year. They started work yesterday, their engineer having arrived then to fence off the corner on which the building will rise, and to look over the prospects for the job.

Other bidders on this contract were the Baker Construction company, Barker-Banfield Construction company, Lorenz Brothers, Robertson Hay and Wallace, Walle-Shattuck construction company, Dougan and Chrisman, Stebbinger Brothers, George F. Reeves, O. R. Wayman, and Tranchell and Parolous. There were 12 bidders on plumbing and heating, eight on the electrical contract, and 11 on the painting.

The approximate cost according to the contract of the successful bidders will be \$201,000. This value is subject to change, however, as there may be alterations in the materials, made necessary because of building conditions. The amount of the bid for the plumbing and heating contract has not yet been made public.

But it has been discovered that the frames of junked cars, piled one upon another wherever the channel is cutting away the bank settle so firmly and are so impervious to the channel stream that they stop the cutting away of the bank. Several scores of abandoned automobiles are serving more effectively than expensive piling.

Sherman said Bales was shot by one of the possemen when he reached for his gun. Bales' death brought an end to a day of harrowing experiences for Simpson, his wife and 9 year old son, who were kidnaped and forcibly held prisoner earlier in the day. Bales, a failed merchant at Tupelo, Okla., was seeking to force collection of \$15,000 which he claimed Simpson owed him.

W. G. Krueger, reator; progressive, fair; equitable. Growing city and country make possible buys that will make you good money. Complete listings. 147 N. Com'l. (*)

Cross Meat Market. Biggest, busiest and best in Salem. Choice steaks, bacon, hams, sausage, lard, eggs, milk. Absolutely sanitary. 370 State St. (*)

Army and Outing Store. Biggest bargains in clothing, shoes, underwear, hosiery, gloves, valises and suit cases. The working man's store, 189 N. Commercial. (*)

COALGATE, Okla., June 26.—(By AP)—Elliott Bales, who today abducted John Simpson, a wholesale merchant, was shot and killed tonight by a member of the sheriff's force that surrounded the house in which Bales held Simpson prisoner.

Members of a posse, led by Fred Sherman, sheriff of Coal county, had entered the house in an attempt to make Bales surrender peacefully.

After being "dressed in" at the prison the convicts were assigned to the "bull pen" for a period of six months. They were dressed in stripes and will lose all institutional privileges.

The convicts had nothing to say upon their return to the prison other than they were tired and footsore. A large crowd of citizens had gathered at the penitentiary when the convicts arrived but they were not admitted within the institution enclosure.

Warden Lillie said last night that he had decided to request permission of Governor Pierce to dress all convicts employed within the prison walls in stripes. It also is possible, he said, that a new rule would be adopted whereby all convicts would have their hair cropped close to their heads.

A grand jury investigation to determine the facts connected with the escape of the four convicts will set under way this morning, according to announcement made by District Attorney Carson. The investigation was requested by Warden Lillie. The district attorney said that a number of guards and convicts would be summoned before the jury to testify.

The purpose of the investigation is to determine whether any of the guards employed at the prison were in any way involved in, arranging or abetting in the escapes.

The convicts returned to the prison included Richard Moore, Richard Franzen, Walter Fisher and Elliott Mitchener.

The Salem Hdw. Co., most progressive. Every accommodation given to those in need of best hardware supplies. Work and prosperity the motto. 120 N Com'l. (*)

Hartman Bros. jewelry store. Watches, clocks, rings, pins, diamonds, charms, cut glass, silverware. Standard goods. State at Liberty St. (*)

Junked Motor Cars Stop "Washing" of River Bank

PIERRE, S. D.—Junked motor cars are being put to a new use here—that of helping to "tame" the Missouri river.

The "Big Muddy" has a coy habit of tearing away large chunks of South Dakota farmland abutting the stream, during the spring rises, and carrying them downstream sometimes in twenty-acre chunks. The piling of logs, brush and debris along the bank has not availed to stop the channel's depredations.

At The Theatres

The Elsinore—Richard Pin and Lois Wilson in "Let's Get Married" taken from "The Man from Mexico."

Oregon—Bert Lytell in "Sporting Life."

Bligh—"Coy's" Daffodils Jazz band and Mabel Ballin and Forest Stanley in "Beauty and the Bad Man."

LOGANBERRIES ARE GETTING SCARCER

Canning About Over, But the Drying of Berries Will Go Right On

Receipts of loganberries in Salem yesterday, while large in the aggregate, showed decided signs of slowing up, and many of the berries were soft for canning. The Hunt cannery will receive its last loganberries tomorrow night.

The Oregon Packing company cannery received a lot of loganberries yesterday, but most of them were rather soft.

At the Starr cannery, receipts were smaller, and it is expected that Saturday will about finish the canning crop.

The Paulus people are drying good quantities of loganberries, and this will be continued as long as there are any left; taking care of the tag ends of the crop, at the regular price for the season, 5 cents a pound. So there will be no waste.

A quantity of Himalaya blackberries was received yesterday at the Hunt cannery from the Hopewell district in Polk county.

Henry O. Miller, 184 S. Com'l St., where most people prefer to get their auto parts for all makes of cars. Trade there and make savings on all auto parts. (*)

The Man's Shop saves you a ten dollar bill on every quality suit. Shirts, hats, ties, collars. High grade clothing, perfect fitting, long wearing. 416 State. (*)

McMinnville—Fifteen cars Lambert cherries shipped to eastern market.

Union Oil Company of California "TO SERVE YOU"

The good work that a good motor oil does goes on where you cannot see it—it must be "taken on faith."

That faith must be in the refiner more than in the oil, because most oils look alike when you buy them.

In "Union Oil of California" you can have faith because it has a forty-three-year old reputation to protect in the products it sells, one of which is

Aristo Motor Oil

Non-Carbonizing Western

Aristo Motor Oil is all lubrication, containing neither paraffin nor asphalt. The hard, flinty abrasive "carbon" that many motorists find on valves, cylinder heads and spark plugs after a few thousand miles of use never comes from this fine Western oil.

The small amount of residue that Aristo leaves is a fine, soft, fluffy substance, most of which blows out with the exhaust. Motors in good condition which are lubricated with Aristo, therefore, run several years without the troubles, lay-ups and expense so often due to "carbon."

A further preventative of "carbon" is the use of non-detonating Union Gasoline with Aristo Motor Oil. This combination is probably the most effective that is known.

Union Oil Company of California

ANNOUNCEMENT IN order to give our customers authorized advise in selecting hangings and furnishings for their homes we have secured the services of MR. FRED PINKHAM An Experienced Interior Decorator who has been with some of the leading stores on the Pacific coast and has recently had charge of one of the largest and most up-to-date drapery departments in the northwest. Mr. Pinkham will be glad to help you with any decorative or home furnishing problem you may have in your home. Also he will be glad to give you an estimate of the cost of furnishings or hangings. This service will be given without extra charge and place you under no obligation. USE YOUR CREDIT GIESE-POWERS Furniture Company WE CHARGE NO INTEREST