

# Still Water in Willamette Is Now on Program of the U. S. Engineers and Will Be Pursued Till Finished New Growth and Increased Recognition Assured for Willamette University Law School in Plans Now Started

Weather forecast: Fair; humidity below normal; moderate northwest winds along the coast. Maximum temperature yesterday 74; minimum 53; river minus 1.9; atmosphere cloudy; wind northwest.

## The Oregon Statesman

Commander Byrd kissed all the babies at Ver-Sur-Mer according to the press dispatches. He must be getting into training to run for office.

SEVENTY-SEVENTH YEAR

SALEM, OREGON, FRIDAY MORNING, AUGUST 12, 1927

PRICE FIVE CENTS

### PRUNE SELLING PLAN RESOLVED AT JOINT MEET

Immediate Signing of Packers Contracts Will Be Started by Committee

MUST SHOW 90 PER CENT

When Required Number Sign, Contracts Will Be Made Perpetually Effective; Crawford Says Packers Favorable

PORTLAND, Aug. 11. (AP)—Disregarding the failure of California prune growers and packers to effect an organization, the Oregon and southwestern Washington prune growers' and packers' committee of nine today decided to begin immediately signing with packers contracts which will be put in escrow until the growers' contracts are signed. The committee met at the chamber of commerce here today.

**Contracts in Escrow**  
Ninety per cent of the prune tonnage of the district must be represented on the packers' contract and all the packers' contracts must be signed by October 1, 1927, it was decided. The contracts will be put in escrow until January 1, 1928.

If 90 per cent of the prune tonnage of Oregon and southwestern Washington is not contracted for by the cooperative by that time, the contracts will be void. If 90 per cent has been signed, the contracts will be perpetually effective, although withdrawals may be made after 1929.

A unanimous decision was made to proceed with the organization work as outlined by the committee report to the second grower conference held at Corvallis July 9 and adopted by that conference.

**Packers Said Favorable**  
Henry Crawford of the Ladd and Bush bank, Salem, chairman of the committee of nine, said all packers are favorable to the completion of this plan of organization. Other members of the committee are: R. K. Eskridge, prune grower, Sheridan;

### SACCO OUTLOOK MUCH BRIGHTER

EXCEPTIONS TO BE HEARD ON WRIT OF ERROR DENIAL

Next Legal Battle Scheduled For Tuesday Before Four State Justices

BOSTON, Aug. 11. (AP)—Nicola Sacco, and Bartolomeo Vanzetti tonight were lodged at a more comfortable distance from the execution chamber of state prison than they had been for a week while the way was cleared for a hearing in their defense before the full bench of the Massachusetts supreme court.

In contrast to last night when they waited in the death cells until a half hour before the time scheduled for their execution for the word which brought them twelve days more of life, tonight they were resting in the Cherry Hill section of the prison.

In contrast, too, to the flat denials of federal judges, the last pronouncement of the courts yesterday, today gave them assurance of a hearing in the state supreme court of exceptions to denial of a writ of error and also of exceptions to superior court rulings which barred them from seeking a new trial or stay of sentence.

"What a beautiful day!" Sacco exclaimed this noon while crossing the prison yard. Reviving spirits gave him strength to make the trip unassisted and to climb the stairs to a more cheerful cell than that which adjoins the death chamber. Celestino Madeiros, who shared in the respite granted by the governor and his council, was also moved.

The next legal battle in behalf of Sacco and Vanzetti was scheduled today for 9:30 Tuesday morning when the four available justices of the supreme court will meet as a full bench to hear the bill

### WALNUT GROWER DECLINES OFFER

\$47,000 PRICE TURNED DOWN FOR 125 ACRES FARM

Blake's Orchard, One of the Best in Valley, Yields \$500 on Some Acres

Wm. Blake owns a 125 acre farm about six miles below Salem. It is the farm with the handsome log house on the river road, on the way to Spong's landing.

Mr. Blake has on this farm a 30 acre walnut orchard. United States Senator Chas. L. McNary and Walter Stolz were visiting this farm yesterday, and they pronounced the walnut orchard one of the best and most thrifty in the valley. It is near their own walnut and filbert and prune orchards.

The walnut varieties of the Blake orchard are mostly Franquettes, Mayettes and Parisians. The trees came into partial bearing about 1918. They are around 17 to 18 years old. Last year, Mr. Blake got \$500 worth of walnuts to the acre from some of his trees. They are well set with excellent appearing nuts this year.

**Offered \$47,000 for Farm**  
Mr. Blake does not know anything about this news item that is being written, but it is reported that, not long since, a Seattle man visiting the Blake farm, and inquired if the place was for sale. Mr. Blake answered that he had not thought of selling it. Pressed to name a price, Mr. Blake said he might consider \$47,000. He did not expect to hear again from his Seattle visitor.

But a few days after he received a letter from him, saying he would take the property at the \$47,000, and asking if Mr. Blake wanted all cash, or would he prefer half cash, and the balance in deferred payments?

**He Kept the Place**  
Mr. Blake refused to take the \$47,000. He concluded that he would rather retain the farm than have the \$47,000.

When he came to consider the matter seriously, he came to the conclusion that his farm might give him more satisfaction, and perhaps more earning power, than that much money.

Mr. Blake runs sheep, mostly, on the balance of his acres. With his orchard and his sheep, he has a full man's job, and he works hard; but he is not obliged to employ much help. It is practically a one man farm, the way he operates it. It is likely that, the more he realizes his love for his home place that he has developed, and the longer he realizes the increasing money returns from his walnut orchard and his other operations, the more he will be satisfied with himself for refusing the offer.

### PARENTS NOT TO BLAME

Declare Unable Care Properly for Child While Traveling

ASTORIA, Aug. 11. (AP)—Mr. and Mrs. Leon Phelps, parents of a child which died at Seaside Tuesday, apparently from starvation, were released today after an investigation by authorities here failed to indicate any grounds for holding them.

Mr. and Mrs. Phelps, who left the child at the Seaside hospital in a dying condition, then went to Wheeler and obtained work. They were arrested yesterday by Tillamook authorities.

The couple, according to Coroner E. B. Hughes, had made an effort to keep their three months old child alive, but had been unable to care for it properly while traveling about the country looking for work. The child's mother appeared heartbroken today when funeral rites were held for the dead child.

### BANK PRESIDENT DIES

Portland Financier Was Well Known Throughout State

PORTLAND, Aug. 11. (AP)—A. L. Mills, president of the First National bank of Portland, died here late tonight. He had been suffering from acute heart trouble for ten days. Last night he suffered a relapse after improvement had been noted for several days.

Through his activities as president of the First National, as vice president of the Security Savings and Trust company, and as president of the Oregon Life Insurance company, Mr. Mills had attained a leading position among the financiers of the northwest. He was best known as a financier but had distinguished himself in civic and philanthropic fields of endeavor, having served in the Oregon house of representatives in the civic life of Portland.

### FLYERS DECIDE TO DELAY RACE UNTIL TUESDAY

Aviators Entered in Dole \$35,000 Flight Sign Unanimous Agreement

OFFICIALS TO ACQUIESCE

Captain James L. Griffin's Plane Crashes Into Waters Of San Francisco Bay; Pilots Unhurt, Ship Smashed

AIRPORT, OAKLAND, CAL., Aug. 11. (AP)—Aviators entered in the Dole trans-oceanic flight to Honolulu, scheduled to start on Friday at noon, tonight signed a unanimous consent agreement to postpone the take-off until next Tuesday at noon. Lieutenant Ben H. Wyatt, the navigation test inspector announced.

While the agreement tonight is not binding on the local committee, it was apparent that it would have the support of federal inspectors who have the last word in sending away the planes. The local committee has agreed to authorize no entrant until official approval has been given by the department of commerce inspectors.

**Only One "Hold Out"**  
Definite postponement seemed assured when Major Livingston Irving, Berkeley entrant, authorized his signature by proxy to the agreement, leaving as a "hold out" only Martin Jensen, Honolulu's hope in the race. Jensen

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### WAITERS END MEETINGS

Kansas City Selected as Next Year's Convention City

PORTLAND, Aug. 11. (AP)—Kansas City, Mo., was selected today at the convention city for the 1929 meeting of the Hotel and Restaurant Employees association and the Bartenders' International League of America at the close of their convention here today.

Carl T. Frederick, Portland, was elected third vice president of the organization, supplanting John W. Conley. Hugo Ernest, San Francisco, was elected to replace Frank Johnston of Los Angeles as eighth vice president. All other officers, headed by Edward Flore of Buffalo, N.Y. president, were re-elected.

Special notice was devoted by the report committee today to that part denouncing prohibition.

### CAR HITS WAGON THREE INJURED

COUPE TURNS OVER IN DITCH; SERIOUS CUTS RESULT

Occupants Taken to Hospital; Horse Driver Hurt When Team Runs Away

FALLS CITY, AUG. 11. (Special)—Miss Lucille Hubbard and two small brothers Burton and Francis met with what might have proved a fatal accident about noon today when the coupe which Miss Hubbard was driving struck the rear of an empty wheat wagon driven by Paul Riley about a mile and a quarter north of Monmouth.

The coupe turned over in the ditch, both boys were thrown out and were cut and bruised. Burton was severely cut over the right eye and across the nose. Francis' lip was cut. Miss Hubbard was badly shaken and one leg was bruised, and she is suffering from nervous shock.

Mr. Ellis of the Shell Oil company, Dallas, came along right after the accident and took all three to the Dallas hospital where Dr. W. L. Pemberton rendered first aid and put in seven stitches over Burton's right eye and nose. All three were able to come on to their home in Falls City this afternoon.

The team driven by Mr. Riley broke from the overturned wagon and ran home. Riley complained of injuries but was able to walk to his home nearby.

Damage to the coupe which was towed to the garage at Rickereall amounts to about \$70.

### CHARLIE TO FIGHT CASE

Famous Comedian Will Contest Divorce Suit by Young Wife

CHICAGO, Aug. 11. (AP)—Charles Chaplin today was enroute to Los Angeles from New York prepared for a "fight to the finish for the sake of my name and the future of my two babies" in the divorce suit brought by his young wife, Lita Grey Chaplin.

### HEARING DELAY ASKED

Water Users Of Ontario District Want Time To Protest

Water users of the Ontario district vicinity have requested the public service commission to postpone the hearing in connection with proposed new power rates of the Idaho Power company. The hearing has been set for August 19.

Members of the commission indicated that it would not be possible to postpone the hearing, but that it might be continued until a later date in order to give the water users time in which to prepare their case.

The water users contend that the proposed new power rates are unreasonable and unjust.

### SEEK TO ENJOIN STATE OFFICERS

FISHING RIGHTS BELONG TO PROPERTY, CLAIMED

Land Board's Call for Bids on Accretionary Land Declared Illegal

Attorneys for Alma D. Katz, prominent Portland insurance man, and Louella Ames Gillison, yesterday filed suit in the circuit court of Oregon for Marion county against Isaac L. Patterson and other members of the state land board, asking that the board be enjoined temporarily from leasing certain accretionary premises on the Columbia river, in Clatsop county, for fishing purposes.

In 1907, according to the complaint, the state land board decided the plaintiffs a certain tract of land, which has increased until it is now more than 300 acres in extent by reason of the accretion of silt and sand from the river, Katz and Gillison contend that this accretion belongs essentially to the property which they hold, and that fishing privileges are vested in the holders of the property for disposal as they shall determine, so long as state game and fish laws are observed.

Fishing rights on the land were granted to one W. E. Tallant, Aug. 21, 1927, according to the complaint, and it is for the protection of his interests that action is taken.

The state land board, according to the complaint, advertised for bids on the lease of the fishing rights along the property of accretion, to have been opened August 9, the court is asked to enjoin the board from accepting the bid of Charles R. Miles, one of the members of the board. Judge McMahan, in whose department action was brought, has not indicated his course of action.

### EUGENE PASTOR CHOSEN

Father O'Hara Named National Secretary for Rural Work

EUGENE, Aug. 11. (AP)—Rev. Father Edwin V. O'Hara, pastor of St. Mary's church here, has again been named national executive secretary of the Catholic rural life conference from which he returned last night, and of which he was chairman.

The conference was held in Lansing, Mich., August 1 to 5, more than 200 representatives from all parts of the United States and some from foreign countries attending. The meeting was held there at the same time as those of the American Country Life association and the International Country Life association. More than 2,000 persons were in attendance at the three meetings.

Father O'Hara is a member of the board of directors of the American Country Life association.

### MCDONALD AUTO GARAGE BURNS; CARS DAMAGED

Loss In Building and Equipment \$8,000 Exclusive of Automobiles

QUICK WORK SAVES MANY

Cause Unknown, but Blaze Started Near Wash Rack; Concrete Walls Cut Loss and Save Nearby Buildings

Fire last night shortly before midnight in the MacDonald Auto company plant at the corner of Ferry and Cottage, did damage to the building and equipment estimated at around \$8,000, and damaged a number of used cars stored in the building, with a check of the cars required before an estimate of the loss could be made.

A number of new Marmons and Willys-Knight cars in the sales room were removed from the building, but one Marmon sedan near the equipment room, where the blaze was hottest, was considerably damaged.

**Equipment Destroyed**  
A stock of equipment kept in the equipment room was completely destroyed, with a damage amounting to about \$1,500.

Several cars stored in the building by private parties were either out at the time of the fire, or were run out as soon as the doors were opened.

The loss is completely covered by insurance, according to R. N. MacDonald, who, with Mrs. E. Wynans, is owner of the garage and motor sales company.

The cause of the fire was not known at a late hour last night, although the blaze is thought to have started in a Chevrolet belonging to the company, which had been run onto the washing rack during the evening. It was completely destroyed by the flames, which seem to have spread from the car to the adjacent equipment room.

**Neighbor Sends Alarm**  
The alarm was sent in to the fire department by R. McNulty, who lives next door to the garage, on Ferry street. Mr. McNulty's room is only a few feet from the garage.

The owners of the building were reached by friends within a few minutes of the sending in of the alarm, and assisted in unhooking the doors before water was put on the fire.

The fact that the building is of concrete construction kept the damage to a minimum, and saved adjoining buildings. Considerable damage was done to the offices of the company, but valuable papers were kept in a fire-proof safe, and were thought to have been saved. The last man said to have been in the building was George Miller, steward at the Elks Temple, who put his car in after 11 o'clock, when there was no evidence of fire.

The large crowd which assembled within a few minutes after the fire engines reached the building received a thrill when tires on the used cars in the garage started to blow out, from the intense heat, sounding like exploding cartridges.

### RAILROAD PERMIT ASKED

Union Company Would Operate From Union To Junction

The Union Railroad of Oregon has filed with the interstate commerce commission at Washington application for a certificate of public convenience and necessity in connection with the operation of two and one-half miles of railroad between Union and Junction.

The corporation which seeks to operate the line is capitalized in the amount of \$25,000. Ray Woodburn is president of the corporation while George T. Cochran is secretary. The line connects with the Oregon-Washington Railroad & Navigation company at Union Junction.

A copy of the application filed with the interstate commerce commission was received at the office of the public service commission here Thursday. The public service commission was given 30 days in which to make an appearance in the proceeding.

### MEDICAL GROUPS MEET HERE SOON

ENTERTAINMENT PLANNED FOR STATE ASSOCIATION

City And County Health Officers, And Nurses To Convene Previously

Plans are being formulated for the entertainment in Salem of the State Medical society, which meets here September 1, 2, and 3, bringing medical men here from all over the state, as well as a number of authorities in the field of medicine who will come from other states. Dr. W. B. Morse, of Salem, is president of the society.

In conjunction with the meeting of the medical society, and scheduled for the two days previous to it, three other meetings have been planned which are expected to draw many persons interested in the medical field to Salem.

Two of these meetings are institutions planned under the direction of the extension division of the University of Oregon, one for physicians and one for nurses. Special problems of these two groups will be taken up in separate sessions, while many of the lectures will be conducted as joint sessions, attended by both institutions.

Many of the instructional staff will serve both institutes. This staff includes such authorities as Fred L. Adair, M.D., professor of obstetrics and gynecology at the University of Minnesota, Hazel Corbin R.N., director of the maternity center association, New York City, I. M. Lupton, M.D., Ira A. Manville, M.D., A. E. Gougeon, M.D., of the University of Oregon Medical school, and Frank E. Brown, M.D., of Salem.

The other meeting is the annual conference of city and county officers, with addresses by a number of the health workers of the state during the morning sessions on both days.

Afternoon sessions of the conference will be held jointly with the sessions of the medical institute.

### HUMANS GET TREATMENT

Supposed Tubercular Remedy to be Given Seattle Patients

SEATTLE, Aug. 11. (AP)—The first official experiments upon human beings with the supposed tubercular remedy discovered by Dr. George Kirkpatrick of Portland, Ore., will be made on tubercular patients at the Filtrands sanitarium here under the auspices of the city health department.

This was announced tonight by E. T. Hanley, municipal health commissioner who has received a quantity of the medicine from Dr. Kirkpatrick.

"It is a combination of drugs which could not possibly cause any harmful effect on the human system," the health commissioner said. "For that reason we feel justified in administering it to those patients who wish it."

In Portland three tubercular cows which had been treated with the supposed remedy for three months were slaughtered early this week and passed by a federal inspector as being free from tuberculosis.

### WILL TAKE MAIL TO SHIP

First Attempt to Deliver Letters By Airplane Slated

WASHINGTON, Aug. 11. (AP)—An attempt to deliver mail by airplane to the steamship Leviathan when 500 miles off the port of New York will be made August 21 during the next east bound passage of the liner, under plans announced today by Acting Secretary Robinson of the navy.

The flight will be made by Lieutenant Clarence H. Schildhauer. This first delivery of mail to a liner at sea will be attempted through cooperation of the post-office and navy departments and the shipping board, in connection with their announced goal to further speed up trans-oceanic mail service.

### MT. HOOD AREA CLOSED

23, 680 Acres in National Forest Tabooed Account Fires

PORTLAND, Aug. 11. (AP)—Effective immediately, and order has been issued closing 23,680 acres in the Mount Hood National forest to use of any kind. This order forbids "going or being upon" the land. The area is on the Barlow creek and Badger creek watersheds on the northeast side of the mountains.

### HEWITT HEADS SCHOOL OF LAW AT WILLAMETTE

Prominent Educator from Corvallis Institution Gets Appointment

VAN WINKLE TO REMAIN

New Dean Will Work Out Standardization; Alexander A. Vazakas Heads Modern Language Section

More power to the movement inaugurated last spring to make the Willamette law school one of the best on the Pacific coast was given yesterday with the announcement that Roy Hewitt, professor of law at Oregon Agricultural college, and generally prominent throughout the state as an educator, had been appointed Dean of the local institution. Attorney General I. H. Van Winkle, present dean, will continue his connection with the school as dean emeritus.

At the same time, it was announced that Alexander A. Vazakas, of Chicago, had been named to succeed Gustav Ebsen as head of the modern language department. Professor Ebsen died recently.

### Holds Five Degrees

Professor Vazakas is the holder of 5 university degrees from New York university, Columbia university, Union Theological school, and University of Chicago, where he received his doctorate of philosophy. He has also studied at Sorbonne university in Paris. During the world war, he was decorated by the King of Greece for valor in YMCA work.

The new department head has fluent command of the Greek, English, German, French, Latin, and Spanish languages, and is familiar with many others. He is highly recommended by educators in the east.

### Seek Recognition

The matter of bringing the Willamette school up to the requirements for membership in the Association of American Law Colleges was broached at a board of trustees, meeting last June. Professor Hewitt, at that time was discussed as a man who could take over the campaign for an

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### FIRE'S ADVANCE HALTED BY RAIN

WEARY MEN ON "FRONT" RELAX JOYFULLY

Longest Hot Spell in Recorded Weather History of Northwest Broken

PORTLAND, Aug. 11. (AP)—Rain—the natural ally of the forest—poured from the skies today and overcame the onslaught of the flames. From every forest line where fires have raged throughout the week came exclamations of relief from weary men.

"It's raining!" the telephone easter from the lookout point in brought the gleeful voice of a for-the Mount Baker forest of Washington. And with new energy he and his fellows fought the menacing Goodell creek fire throughout the day. Other reports of rainfall or of impending rain poured into the forestry office here today from scattered points of Washington and Oregon.

Rain fell generally over the Mount Baker forest and the situation there was greatly improved. The Storm King fire near Cushman lake in the Olympic national forest was still burning but it was not spreading.

The only fire reported today to have gained the slightest headway was on Vancouver island where high winds had carried the flames near Cowichan lake out of control and it had spread over more than 1,000 acres. One hundred twenty-five men were fighting it.

In the Carnes district, south of Roseburg, 500 acres of pasture land had burned over today and fifty men and boys had battled the flames for five hours before it was brought under control.

The West Branch creek fire on 400 acres in the Crater national

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