

The Oregon Statesman

"No Favor Sways Us; No Fear Shall Awe"
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Liquor Bill in Court

THE scene shifted in the perennial battle over liquor control yesterday. From the forum of a popular election and from the chamber of a legislative assembly change was made to the sober precincts of the judicial chamber. Courts were invoked to decide whether the liquor control act of the last legislature violated the constitution of the state or not. Attacking the act was Elton Watkins, attorney for the city of Klamath Falls which seeks the privilege of self-government in its liquor matters. Jay Bowerman of Portland on behalf of the liquor commission, defended the act. Friday's session was but an opening round which will not be concluded until the supreme court has passed on the case. Judge Lewelling denied request for a temporary restraining order and will hear the case argued on demurrer either orally or by written briefs. Expedition is promised for an early settlement of the vexing issue.

How different the procedure in a court of equity. No shouting, no gesticulation, no saving the air; but a calm presentation of arguments by attorneys, quite wordy and repetitious to be sure; but no oratory. In a campaign speech the appeal is not only to the judgment but to the emotions. In a legislative debate oratory is indulged in not so much to sway votes of members as to give the speaker an outlet; and always he speaks with ears cupped for the gallery's response. In a jury trial lawyers wring tears out of dictionaries; their remarks are always "ad hominem", seeking to captivate the jurors. In arguing to a judge however, in a matter concerned chiefly with points of law, attorneys cease their bellowing and rely on what logic they can muster.

So it was in the case Thursday, the lawyers were not at all bellicose or dramatic.

Watkins recited the paragraphs of his complaint, which claimed the potency of the home rule amendment giving cities exclusive power to regulate liquor within their boundaries, claiming that repeal of the prohibition amended resurrected the old home rule amendment. He asserted Klamath Falls had revenues at stake which were threatened by the Knox plan; and he read the opinion of the attorney general which expressed the view that in the lack of judicial determination as to revival of a suspended section of the constitution, the liquor bill was unconstitutional.

Bowerman in his reply claimed that the home rule provision of the constitution was self-qualifying by the words "subject to the . . . criminal laws of the state", even if the section is revived, which he did not concede. He cited decisions of the court before prohibition which sustained state laws governing liquor sale. With reference to revival of the section Bowerman contended that the courts should take notice of the popular will, which in repeal of prohibition was not designed to restore the old system which had been in turn repealed by prohibition.

Thus the question becomes now one of law to be settled by the appointed courts. In the interval there will be some confusion, some laxity without a question. But all parties agreed on the need of a prompt decision to let the people of the state know just where they stand in the matter of liquor regulation.

La Grande plans to celebrate in 1934 the 50th anniversary of the coming of the railroad to that city. The O & C road came to Salem from Portland 60 years ago this year. In 1934 Salem and the state will celebrate the 100th anniversary of the coming of Jason Lee to found his mission near this city. From then on centennials will come along quite steadily.

When her brother-in-law up and kissed her, Margaret Keith, eccentric spinster, gave him a check for \$300. Now in the quarrel over her will they are trying to prove she was crazy. That bit of evidence ought to prove just the opposite. What old maid wouldn't give \$300 for a good smacker?

A retired army officer has designed a highway lamp-post. Lighting country roads may be the next CWA project. Besides making a standard for the light globes the posts will serve as stoppers for unruly Fords, supplementing telephone poles and wayside produce stands.

Cuba is the latest to turn welcher on her debts. Some of them may be colored with fraud in the issuance, but most of them have passed to innocent purchasers who will not relish defaults of the interest.

Johnny Kelly, in his column in the Ogn, has John Hancock signing the constitution with a bold hand. Yeah; he signed the same year Hamilton wrote Washington's Gettysburg address.

There are various theories about money; but most of the disputants agree on the velocity theory. There is this to be said for CWA work; it does speed up spending by consumers.

The civil war is over at last. Confederate soldiers for the first time have made a formal pledge of fealty to the president of the United States.

Hosiery makers have added three inches to the length of ladies' stockings. This is due to taller females and to thinner dresses.

An Austrian has invented a playing card that cannot be broken, bent, pierced or soiled. We want one that when played will reflect no rage in our partner's eyes.

Old Photograph of Scio Scenes Draws Resident Curiosity

SCIO, Dec. 23. — A photograph taken in Scio about 35 years ago attracted much attention at the Riley Shelton office a short time ago. It is said to have been taken about the year 1898, and represents a portion of the present business district occupied by the J. F. Weesley store and some distance north of that location. Several of the old-timers in that period of Scio's history are remembered by a few of the pioneers still living in this vicinity. A similar photograph is in the possession of W. A. Ewing, mayor of Scio.

The new bridge at the Sander-son crossing is said to be "high and dry" during winter freshets. However, the bridge is not being used by vehicles, as approaches to the new structure have not been completed. Pedestrians cross by means of ladders at either end of the bridge.

PROGRAM IS HELD

SHAW, Dec. 28. — A program which was held at the Rock Point school house by Mrs. Vida Miller and pupils was very well attended. Santa Claus appeared to distribute presents to the children.

Resolved: To Have Better Times



Health

By Royal S. Copeland, M.D.

NUT SO long ago strychnine poisoning was a common and often fatal accident. Within the past few years pharmacists and physicians have waged a campaign against this menace to life.

I am glad to say that there has been a definite decrease in the number of deaths caused by this drug. But fatalities from strychnine are still reported. It is especially tragic when the victims are children who accidentally swallow pills or medicines containing this deadly poison.

Children are attracted to colored pills and often mistake harmless looking tablets for "candy". They eagerly swallow a handful, especially if they discover the "candy" is chocolate covered. Even if they bite into the pill and find it not to be candy they may hesitate to tell their parents of what they have done for fear of being scolded.

Rather than subject children to danger of poisoning, it is strongly advised that all laxative pills, tonics and other medicines containing strychnine be kept beyond their reach. They should be locked up in the medicine chest.

That Medicine Chest
By the way, it is recommended that the medicine chest contain only the necessary medicines. Discard all useless and harmful drugs. Many cases of poisoning in adults can be traced to carelessness in reading the label on a bottle or reaching for a bottle in the dark and taking the wrong medicine.

Strychnine is an alkaloid used in the preparation of many useful medicines. Its action promotes bowel elimination, it is found in most laxative pills. When taken in small doses it is harmless, but in large amounts it is a dangerous drug. A victim of strychnine poisoning requires immediate medical attention. Never delay calling a physician. A stomach tube should be passed as soon as possible and the stomach contents carefully washed out.

In severe cases of poisoning the victim is stricken with sudden convulsions. He has great difficulty in breathing and unless expert attention is given the condition soon proves fatal. It is always best to remove the stricken individual to a hospital where all conveniences and facilities are available.

Of course, prevention is far easier than cure. Several states are now studying this serious menace to health and many of them have passed suitable legislation to guard against the danger of strychnine poisoning.

The American Medical association now urges the prohibition of the manufacture of pills containing strychnine. It also recommends that laws be passed so that this drug cannot be purchased in large quantities. This certainly will go far to remove an all too common danger.

Answers to Health Queries

Ruth B. Q.—I am 17 years old and would like to know if smoking is injurious to my health?
A.—Why not wait until you are older before taking up this habit? (Copyright, 1933, E. F. S., Inc.)

Tree Troopers' Site Used for Unemployed

MOLALLA, Dec. 28. —The Molalla CCC camp is again being populated, after being closed down for the winter because of the deep snows. This time, however, the residents are not tree troopers but unemployed men without homes. They are being fed and housed during the winter months, and in return for these benefits they are doing some road and camp work.

Bits for Breakfast

By R. J. HENDRICKS

Journal of Rogue River war, of 1855:

(Continuing from yesterday.) The change in habits of the Indians was followed by sickness among them; the agent allowed them greater liberty, and this liberty was abused—and the discontent on both sides deepened.

Richard Edwards was one of the victims of the August, 1853, massacre; he was killed Aug. 4 at his home on Stuart's creek. Indians Tom and Indian George, murderers of Edwards, and also of Kyle, Jacksonville merchant, spoken of in this column yesterday, were arrested by the sheriff, Matthew G. Kennedy, of Jackson county.

Tom and George were indicted and had a fair trial, with counsel O. B. McFadden was judge, S. Sims prosecuting attorney. They found the two Indians guilty, they were sentenced to be hanged Feb. 19; but, in view of the troubled times, the sentence was carried out a few days after the trial. These were the only two Indians ever in the early days punished for crime by the civil authorities in southern Oregon.

About Jan. 18, 1854, a party of Rogues, Shastas and Modocs, led by chief Bill, stole the horses belonging to a mining camp on Cottonwood creek, driving them into the mountains. A hastily organized company of whites went in pursuit. When on the trail they were shot at from ambush, and Hiram Hulman, John Clark, John Oldfield and Wesley Mayden were killed.

Captain Judah of Fort Jones in Scott valley went after the band with his whole force, 20 men, and their trail led him to a cave near the Klamath river. He sent Lieut. Crook and D. Sorrell for reinforcements and was joined by a volunteer company of 45 volunteers under Capt. Greiger. Capt. A. J. Smith came from Fort Lane with 15 dragoons and a mountain howitzer. The Indians, in an impregnable position, but scared by the firing of the howitzer, begged for a peace parley, which Smith granted, knowing less than about Indian fighting than he did a year or two later. Captain Greiger was killed by the Indians from the cave. Bill sent three Indian women to ask for a talk. The next morning, going to the cave, Smith in his official report to Washington said he found about 50 Shastas who declared they loved peace and had lived on terms of friendship with the whites about Yreka and Cottonwood, Cal., but that the miners at Cottonwood mistreated their women, and caused for leaving that neighborhood. Accepting this apology for theft and murder, Smith advised Bill to stay in his stronghold, to be safe from the volunteers. The volunteers returned home with the body of their captain, taking with them some Indian ponies.

Jan. 27, '54, a meeting of whites was held at Coquille ferry house to consider murders and threatened murders of Coquille Indians. A. F. Soap was chairman, and Wm. H. Packwood secretary. Mr. Packwood was a member of the Oregon constitutional convention in Salem in 1857. He was the father of Mrs. Rand of Salem, wife of Supreme Judge John L. Rand. The meeting voted to attack the Indian village (the same where the T'vian't party was massacred in 1856). The chief had refused a parley, and declared he intended to rid the country of all white people.

The next morning the whites, under Packwood, Geo. H. Abbott

and Mr. Soap, acting as lieutenants, completely surprised the Indians just before daybreak, and killed 16 Indians and wounded four, and captured the rest, including old men, women and children, and took their 12 canoes and stores. The huts containing their arms and ammunition were burned.

The chief was now ready for peace; begged for it. And the chastisement quieted all the southwest coast tribesmen in Oregon, including a camp of them further north who had been threatening to exterminate the miners and settlers.

In 1854, perhaps due largely to the presence of troops at Fort Lane, with a howitzer, there were fewer Indian murders than for three years in southern Oregon.

Edward Phillips, a miner on Applegate creek, was murdered in his own house April 15. Daniel Gage was killed in the Siskiyou mountains on June 15. A man named McMay was killed near DeWitt ferry on Klamath river, June 24, and Thomas O'Neal about the same time. During the same month, or a little later, John Crittenden, John Badger, Alexander Sawyer and a man named Wood were murdered by the Modocs or Pit river Indians on the southern immigrant road. At Gravelly ford, in the Humboldt valley; and in September a Mr. Stewart of Corvallis, Oregon, was killed on the same road.

Nov. 2, Alfred French, formerly connected with the Chronicle newspaper at Independence, Mo., was murdered by Indians near Crescen. City. In every case the murderers escaped, with punishment. General Wool, at that time in command of the division of the Pacific, regular army, was bitterly accused by many pioneers of being more in sympathy with the Indians than the settlers or their volunteer soldiers.

The murder of the persons named on the southern immigration route led to the fear that the whole state's massacres of 1852 might be repeated by the Modocs, and John W. Davis, governor of Oregon from Dec. 2, '53, until Aug. 1, '54, wrote General Wool for troops to patrol the road, but Wool was either unable or unwilling to furnish them. However, he did reinforce Smith's forces at Fort Lane, and a detachment marched to Klamath lake and back, reporting no danger from Indians.

The real service was performed for the southern route by a volunteer force under Jesse Walker, with the approbation of Acting Governor Curry, after Aug. 1. This cost the government \$45,000, and there was a scandal, with recriminations, about the great expense—but an Indian war would have cost more, besides perhaps many lives of the 1854 covered wagon immigration.

General Wool was in favor of abolishing Forts Jones, Reading and Miller in northern California, and Forts Lane and The Dalles in Oregon, and in their place have a temporary post on Pit river, one on Puget sound, and possibly another in the Snake river country.

But Oregon pioneers resented this recommendation bitterly, and of the inability of incoming immigrants to protect themselves they cited the case of a party of Kentuckians numbering 20 men, women and children, led by Alexander Ward, being attacked and massacred, and only two boys left alive, who were rescued, near old Fort Boise in August, 1854.

Major Granville O. Haller, U. S. A., went from The Dalles

"KNAVE'S GIRL" By JOAN CLAYTON

CHAPTER THIRTY-EIGHT

"You—we shouldn't have done that," said the girl at last, tonelessly.
"I know," he agreed with a brief, pained laugh.
"There's Marthe," she faltered.
"Yes," he said, stiff, uncomfortable, ill at ease. "I owe you an apology, Patricia."

Patricia's hot color rose anew. She should have laughed off the incident, should never have let him see how deeply she had been moved, should never have let him guess how much the brief, stolen embrace had meant to her. Above all, she should never have mentioned Marthe. Why had she been such a fool? He owed her an apology, did he not? He owed her an apology for his invidious and embarrassing, outwardly she seemed as sure of herself as he seemed.

"Really it's not important," she said gallantly. "You need not apologize. It was nothing."
"Are you sure?" he asked and she knew that he was vastly relieved.
"Quite sure."

"I can promise you, I think," he said soberly, "that I will never trouble you that way again."

"Let's stop talking about it," she burst out, suddenly furious.
"You are angry."

"I tell you that I'm not!"
"Then we're friends again?"
"Of course we are," she insisted.
"Why should we be?"

Clark was puzzled and confused, vaguely dissatisfied, but with all a man's horror of scenes and tears, he was afraid that at any moment she might cry again. Patricia saw his fear.

She said quite simply, "I don't know what got into me a little while back. I was awfully silly."

"You were sweet," he said.
The girl felt oddly flat. Had he guessed nothing of the storm in her heart? Or had he guessed and chosen to conceal his knowledge? His attitude was what it had always been, friendly, serene and interested. His course was wise. It was the only possible line to take. She should rejoice in his tact and wisdom. She didn't.

"Now," he was saying in his concerned and anxious tones, "you must tell me exactly what I'm troubling you when I came into the room." He smiled. "Maybe I can help."

"Really it was nothing."
"It was the bridge match," he declared intuitively. "The match that Julian has set his heart on. Isn't that it? He told mother all about it at dinner."

"Maybe," she conceded, not wishing to discuss the affair at all, really longing to get away. Why should she sit here talking with him? Why should she consider him a factor in her affairs? She said remotely, "Julian and I didn't agree at first about the terms. I agree with him now, so there isn't anything for you and me to talk about."

He hesitated, reluctant to criticize Julian Haverholt's methods, yet feeling sharply critical at the position in which he had placed the girl. It was all very well for Julian to shout from the housetops that he was not a gentleman and had no desire to be, all very well for him to hail himself publicly as a bridge sharp and to spring into headlines as such. For him to confer that dubious glory upon a young and inexperienced girl was something else. So Clark thought. He glanced at Patricia. Her face was distinctly unencouraging.

At length he ventured, "Are you sure you are happy about the match?"
"I'm very happy," she advised him, a warning glint in her eye. "Why shouldn't I be? It's a marvelous chance for Julian and me. Don't you think so?"

He looked unhappy.
"Do you want my honest opinion?"
"Go ahead."

"Then I think," he proceeded slowly, feeling his way. "I think you may find that the match won't work out as you hope it will. For a girl, Patricia, such publicity might very well prove to be a boomerang. Don't make me go on. Can't you see how it might be difficult?"

"I see what you're trying to say," Patricia agreed airily. "The girls you know wouldn't care being mixed up in a battle of ballyhoo. I'm not one of those girls. I'm a bridge player and bridge players live by ballyhoo. We love the spotlight. We have to love it. That's a part of the racket," she said, borrowing one of Julian Haverholt's phrases. She glanced at Clark. "Julian and I didn't begin this feud, she reminded him. "Reuben Blair began it. But Julian and I will end it and we will be famous when we do."

"I hadn't any right to object," he admitted quickly.
"None at all."

He flushed at her tone. She had scored. He had interfered in a matter which did not concern him and she had snubbed him for his pains. She eyed him distantly. As for the man, he was stricken with chagrin and contrition.

"I didn't mean to offend you," he said unhappily. Then he asked, "Why must we quarrel like this?"
"I'm not quarrelling."

"Then we are friends again?"
"Yes," said the girl.

Clark's face lighted like the morning. He caught up her hand and pressed it against his lips.
"I like you, Patricia," he said a little unsteadily. "I like you so much."

At that very moment Marthe March opened the door.

There was an instant of silence among the three. Clark and Patricia had started apart. Marthe hesitated at the threshold, calm and undisturbed.

"I hope I'm not interrupting," she said tentatively.
"You're not," replied Clark sharply.

Marthe entered then, cool as a breeze in May. Glancing sidelong at the flushed and silent Patricia, she said, "Julian sent me for you. The reporters are insisting upon your photograph."

"Julian told me that I needn't see the reporters," said Patricia.

to attempt the chastisement of the Indians guilty of the Ward massacre. The murderers, apprised of his coming, with 60 dragoons and some volunteers, had fled to the mountains, and he, footless, marched back to The Dalles. But Haller, the following summer, returned, hanged the leaders of the massacre and was back at The Dalles in September, 1855, just in time to take part in the opening of the Yakima war, of which much has appeared in this column.

This brings the reader to the Indian situation in the memorable year of 1855. All the tribes along the old Oregon trail, west of the Missouri river, for 2000 miles, were in league to hold back the great immigration movement of covered wagon trains toward the setting sun. As the reader knows, 50,000 were ready to start from points of rendezvous east of the Salmon river—and only two wagon trains, each with about 250 souls each, got through the corridor of U. S. dragoons. One of them, the Keil colony train, came through unscathed, unthreatened. The other was utterly destroyed. The final home of the western branch of the Keil colony was at Aurora, Oregon.

(Continued tomorrow.)

Surveyor Lost for Day Found; Suffers Injuries in Tumble

MEHAMA, Dec. 23.—Mr. Hawley, who was lost Tuesday from the rest of the surveying gang, was found about 7 o'clock Wednesday night. He had fallen down the river bank and suffered injuries to his hip. He was unable to go to work today.

A special school meeting was held last night at the schoolhouse to determine what repairs were needed and how much money from the CWA was needed.

FORMER RESIDENTS VISIT

BRUSH CREEK, Dec. 28.—Mrs. Henry Winkler of Houston, Tex., and her daughter, Mrs. Frank A. Ferguson of Bartons, Tex., are guests this week of Mrs. M. J. Madsen and Miss Little Madsen on Paradise Alley. Wednesday night Mr. and Mrs. Victor Madsen entertained at dinner for the group. Mrs. Winkler and Mrs. Ferguson formerly lived on the farm now occupied by Mr. and Mrs. Victor Madsen and still own the place. This is Mrs. Winkler's first visit here in 16 years and Mrs. Ferguson's in 10 years. For the past two weeks they have been with Mrs. Winkler's sister, Mrs. E. Gunderson in Silverton. They plan to return to Texas after the first of the year.

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"Julian told me that I needn't see the reporters," said Patricia.

Just then Clark came in the door. He glanced from one girl to the other and drew a breath of relief. To him all seemed serene. He spoke to Patricia.

"Julian said you were to do as you like."

"Then I'm going to bed."

"Please don't!" he exclaimed in dismay.

"Now Clark," observed Marthe, linking her arm through his with an air of definite proprietorship. "Miss Haverholt has been saying that she is exhausted. Besides," she added, twinkling up at him, "you might pay a little attention to your fiancée."

Patricia left them together.

(To Be Continued)

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WALDO HILLS FOLKS
LOOK OUT FOR THIEF

WALDO HILLS, Dec. 28. — Fred Knight was surprised in a disapproving manner Saturday to find one of his sheep had been killed and dressed, and the front quarters left to him in payment. Mr. Knight has not yet taken measures to apprehend the thief, though he is quite convinced he knows who he is.

All neighbors are keeping a sharp lookout as just a short time ago K. O. Rue's yard was entered and had it not been for the sharp ears of his son, Waldo, he would have been minus some fat hog.

Turks Make Winkings
Mrs. E. C. Longsdorf has returned from Oakland, Ore., where she spent last week in attendance at the Northwest Turkey show. She brought home a good display of prizes. Mrs. Longsdorf lives on the Red Acres farm in the Evergreen district, less than two miles south of Silverton.

Elwin Knapp, principal of the Evergreen school, left early Saturday morning with his parents and brother of Molalla for a holiday trip to Los Angeles.

Mrs. E. A. Finley and children, Teddy, Norma and Blair, accompanied Mr. and Mrs. Frank Moore to Corvallis for the holidays. Guests at the F. M. Eggen home are Mr. and Mrs. Roy Jones and daughter Althea and son Norman all of Monmouth and Miss Gladys Jones. Mrs. Leo Huddleston and two daughters of Salem.

The Waldo Hills club is staging a masquerade dance at the clubhouse Saturday night.

Unusually Good Program Offered By School Pupils

MACLEAY, Dec. 28. — A large crowd attended the unusually good Christmas program put on by the school. The program included songs by the school "The Acrostic," first and second grades; recitations, Louise McGee, Richard Barber, Donald Speilbrink and Dolores Speilbrink; playlet, "Christmas Miracles," 16

pupils; piano solo, Viola Tooker; dialogue by four boys; "The Year Round Christmas," first grade; piano solo, Dorothy Cady; "The Living Christmas Tree," 15 pupils; recitation, Robert Nutland; piano solo, George Tooker; Christmas story told on fingers, six lower grade pupils; recitation, Anna Shaw and Harold Hartman; piano duet, Viola and George Tooker; play, "Fudge and a Burglar," upper grades.

HENRY BROWN SUFFERS STROKE OF PARALYSIS

MILL CITY, Dec. 28. — Christmas day was saddened for the Henry Brown family when Mr. Brown was stricken with paralysis just after dinner Monday. The Browns were enjoying a family reunion with most of Mr. Brown's children here for the holiday. He is in a critical condition. Mr. Brown has been a resident of Mill City for many years. His son Oscar arrived here Tuesday from Longview, having been called by his father's illness.

JENNIE ROGERS VIS