

FRUIT EXPERTS CONFIRM SMALL DAMAGE REPORT

Survey By Federal Agents In County Orchards Shows Frost Bite Confined To Low Lands In Scattered Areas

Advising, as a result of their survey made Monday and Tuesday morning in orchards both north and south of Salem, patience and abstinence from cutting down the trees until the extent of their injury can be more clearly seen, C. A. Reed and D. F. Fisher, federal nut and fruit experts, made unquestionable refutation of reports circulated here several weeks ago of vast damages.

The report made by Professor C. L. Lewis, of the Oregon Growers Cooperative association, that the damage was confined largely to the lowlands was confirmed by Mr. Reed, who declared that he and Mr. Fisher had found conditions in the county not so serious as they had been led to believe.

Walnuts have suffered the greatest, Mr. Reed said and asserted that he could not hold out any hope for the recovery of most of the injured walnut trees.

The true extent of the injury of fruit trees cannot be determined just now, he said. Indications now shown lead him to believe that the trees will make a valiant effort to recover and in all probability will survive, although the struggle will be hard for several years, retarding the productivity and growth of the trees.

In the lowlands, Mr. Reed said, filberts have suffered considerable. The cuttings above the snow line in most all cases are dead, while the pistillate flowers below the snow line are in

good condition. The wood part of the filbert trees seem uninjured, he said, so far as the healthy normal trees are concerned. On the uplands the filberts are normal, the experts found.

The south sides of the trees suffered the most from the ravages of the storm. The damage extends from a few inches below the snow line to up in the branches and trees, they report. While the cambium of the trees appear to be dead now, Mr. Reed said that he would not declare them positively dead now, as they stand some chance of recovery.

Mr. Reed refuted the common supposition that sap ascends the tree from the roots in the spring and descends in the fall and said that "this is only true in some measure."

The sap goes up the tree from the roots to the leaves through the sapwood, and not through the bark, he explained. When it goes up it is in a money appropriated by the Shackelford bill but there was no notice whatever that a vote for the Bean-Barrett bill was a vote to authorize the board of control to issue bonds to meet the requirements of some other federal act.

Even under the provisions of the act of 1920 the issuance of bonds for highway purposes is not mandatory upon the board of control but is merely discretionary with that body, as originally introduced the bill "authorized, empowered and directed" the state board of control to issue bonds at the request of the state highway commission, Justice Harris points out but this was later amended to authorize and empower the state board of control "in its discretion" to issue such bonds.

Demurrer Sustained.
"In view of the language found in the act of 1920," concludes Justice Harris, "it is difficult to conceive of a situation which would authorize the issuance of a writ peremptory commanding the state board of control to sell the bonds. If, however, such a situation is possible it is not presented here; for the record before us cannot support an order for a peremptory writ of mandamus. The demurrer to the alternative writ is therefore sustained."

The court, however, is very careful in its expression as to the scope of the 1920 measure confining itself to the opinion that the new act is broad enough to include all federal aid already made available but omitting any mention of its inclusion of moneys which might be appropriated by the federal government for post and forest road projects in the future.

Other opinions were handed down as follows:
H. L. White appellant, vs City of Ashland, appeal from Jackson county; suit to avoid liability for expense of street improvement. Opinion by Justice Bean; Judge F. M. Calkins affirmed.

Sarah E. Patterson appellant, vs City of Ashland, appeal from Jackson county; suit to annul street assessment. Opinion by Justice Bean.

Lorenzo Malpica vs The Cannery Supply company, appellant; appeared in county; suit to collect damages for personal injury. Opinion by Justice Johns; Judge Gautenbein affirmed.

Deliah Hodler vs Louis Hodler et al, appeal from Multnomah county; petition for rehearing; rehearing denied but decree modified as to costs in opinion by Justice Johns.

L. G. Riggs et al vs Elizabeth Adkins et al, appellant; appeal from Clackamas county; suit to require administrator and heir to hold land in trust for plaintiffs pursuant to an alleged agreement. Opinion by Justice Burnett, Judge J. U. Campbell reversed and case dismissed.

Utah-Idaho Sugar company vs Geo W. Lewis et al, appellant; appeal from Josephine county; action to restrain charging wrongful taking and detention of property. Opinion by Penason; Judge F. M. Calkins affirmed.

Petitions for rehearing denied in Boechmer vs Silvestone; Wilcox vs Warren Construction company; Thom as vs Geblich; Crow vs Abraham; Ukase Investment company vs Portland.

NO 'FLU' INCREASE IN SALEM TUESDAY

The recent sunny weather, appears to have exerted a good influence upon the contagious diseases in Salem. There were no records, Monday afternoon or Tuesday, of new cases of small pox or "flu" in Salem and vicinity.

Dr. R. E. Pomeroy regards this as a very good indication of the breaking of the so-called epidemic, but advises caution in making possible contact, as the "flu" is especially sporadic.

City and school health officials are still vaccinating all applicants for immunization. The after effects of the recent vaccinations are generally reported to be very mild and this has resulted in the appearance of many children at the city health office in the Oregon building. The parents of most of these children at first hesitated to consent to the immunization, but the good results have recruited the ranks of the vaccinated persons, now totalling approximately 2100 persons in Salem.

A report from Burns, Or, states that a physician in that town had 160 cases of "flu" under observation at one time. Most of these cases were mild and as in the case of the present appearance of the disease in Salem, are much lighter than in the epidemic a year ago. No smallpox cases have been recorded at Burns during the present outbreak of the disease in Oregon.

Blue Blooded Wolf Hound Enjoys Salem "Hospitality"

While "Blackstone the Magician" entertained an audience at the Grand Monday night, the excellent performance was perhaps not less enjoyed by the audience, than was the special free performance given Tuesday afternoon by one of the company's members.

This performance was not on Blackstone's bill for either Monday or Tuesday and was given on the courthouse lawn by Count Charodie, Count Charodie, as his name indicates, is a nobleman. He is a thorough bred Russian wolf hound pup of royal lineage. Count Charodie's father is known in blue blood kingdom as Lord Lasky, while his mother bears the distinguished title of Lady Veselka.

Despite Salem's anti-canine attitude, Count Charodie enjoyed the freedom of the court house lawn, Tuesday, Mrs. Harry Blackstone, his owner, had removed his leash and Count Charodie lifted his aristocratic nose to the heavens and enjoyed a

good romp on the green. The young wolf hound seemed to be well informed as to the habits of Salem's dog catching street commissioner, however, for he never ventured very far from his mistress.

Despite Charodie's tender age (13 weeks) he has already appeared before the footlights, being used in some of Blackstone's acts of black mystery. Due to the fact that the influenza epidemic is abating, a better attendance

is anticipated at the second exhibition given by the company tonight.

The ancient Greeks held up the atomic theory.

The Gila monster never attacks unwounded.

Peacocks were regarded by the ancient Romans as one of the table's greatest delicacies.

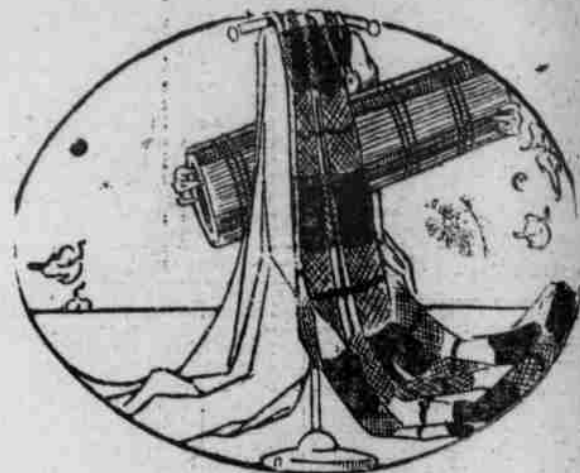
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197 BUSY STORES

Engineers Captured by Reds Believed Identified

Washington, Feb. 10.—American engineers captured by the bolsheviks in Siberia whose last names were given in a dispatch received yesterday from the American consular at Harbin are believed at the chief of army engineers here to be the following:

Major Frank Roscoe Blunt, Plano, Ill.; Major Frank Buchanan, Tacoma, Wash.; Captain Walter W. Geisse, Madison, Wis.; Lieutenant George R. McGinty, Wazata, Minn.; Lieutenant William S. Meredith, Aurora, Ill.; Lieutenant Etienne A. Chevannes, Knoxville, Tenn.; Lieutenant John R. Hoskinson, Dayton, Ohio.

Benjamin Franklin invented the harmonica.

There are 101,506 Indians in the five civilized tribes.

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STATE GETS U. S. MONEY THROUGH BILL ENACTMENT

Only the enactment into law by the special legislative session of house bill No. 74 enlarging the powers of the state board of control as conferred under the Bean-Barrett bill of 1917 to cover all available federal post and forest road funds has saved to the state of Oregon the \$759,731.77 allotted to this state for post and forest roads under the federal act of 1919. In an opinion written by Justice Harris and handed down by the Oregon supreme court Tuesday morning it is held that under the provisions of the original Bean-Barrett act the state board of control was limited in the issuance of state bonds to meet federal appropriations to the \$1,823,886.50 made available under the provisions of the Bean-Barrett act was intended to meet.

Court Hears Case.
The case was before the supreme court on a mandamus proceedings by which the state highway commission was seeking to compel the state board of control to issue an additional \$1,000,000 worth of bonds under the provisions of the Bean-Barrett act. The board of control had refused to comply with the request of the highway commission because of the fact that there had already been issued \$1,000,000 in Bean-Barrett bonds, leaving only \$823,886.50 more available of the Bean-Barrett fund. The highway commission, however, contended that the Bean-Barrett act was sufficiently elastic in its construction to cover additional federal appropriations made available after the passage of the act of 1917. This contention is refuted in the opinion of Justice Harris who upholds the stand taken by the state board of control.

Judges Explain Acts.
"The title speaks of only one federal act and that act is the Bean-Barrett bill," declares Justice Harris in commenting on the provisions of the Bean-Barrett act. "The title was in effect notice to every member of the legislature that if he voted for the bill he voted to authorize the state board of control to issue bonds in an amount sufficient to enable this state to receive its share of the fixed sum of

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