

From the Richest and Best Part of the State

News from Nearby Valley Points

By Capital Journal's Special Correspondents

SUPREME COURT WRITES FINIS ON SILVERTON SUIT

The decision handed down by the supreme court yesterday in the case of Mr. and Mrs. O. F. Healey of Silverton, vs. L. C. Eastman, brings to a close a controversy which has long been a topic of widespread discussion in this city.

The Healeys operate a private hospital at Silverton containing 45 rooms and heated by a furnace in the basement. To drain the basement and prevent the extinguishing of the fire in the rainy season, the Healeys in 1918, obtained from J. M. Brown a right of way to construct a tile drain system across the property, which was then owned by Brown. The Healeys laid the drain from their basement across Fiske street and across lot 12, Brown's addition, to Silver creek.

About a year later, Eastman, with full knowledge of the right of the Healeys to maintain the drain previously constructed, says the supreme court opinion, acquired title to the east half of the lot in March, 1920, and began the construction of a foundry over the drain. Later, says the opinion, the drain pipe was broken and plugged by Eastman's tenants, so that it flooded the basement of the hospital. Eastman refused to allow the Healeys to enter his premises for the purpose of repairing the damage. The result was that the physicians brought suit against Eastman and C. J. Johnson and wife to enjoin them from interfering with the drain and for damages. The injunction was awarded together with \$150 damages. The case was appealed and the lower court affirmed.

Eastman made the claim that the right granted to the Healeys by Brown was conditional in that they were to keep the drain out of the way of any development of the owner of the land might undertake. The supreme court held that the agreement was conditional, but that the conditions had not been violated. The Healeys were ordered by the court to lower the drain, which they did.

A few weeks later, says the opinion, Eastman determined to build a natatorium on the property, which would again necessitate the lowering of the drain tile. He insisted that it would have to be lowered to a depth of about 19 1/2 feet below the surface of the ground. Notice was served upon the Healeys to do so, and upon their alleged failure to lower it Eastman notified them that their right to cross his land with the drain was terminated, and instituted the second suit.

The supreme court took the position that the question to be determined was "Should equity lead its aid to Eastman in his attempt to cancel the right of the Healeys to maintain their drain pipe across the lot referred to?" In reply to this the opinion says that the plain tiff has failed to convince the court that his demand is reasonable.

"We have read the testimony with care," says the opinion, "but, from the evidence adduced, we are not satisfied that the demand made upon the Healeys is equitable. That the plaintiff has a right to put his property to any lawful use must be conceded. It has a right to construct a swimming tank, and the defendants must protect that right by the reasonable maintenance of their drain. However, the plaintiff has failed to convince us by satisfactory evidence that his demand that the defendants again lower their drain system is a reasonable demand or that the pipe when lowered is now demanded would drain the water from defendant's basement into the waters of Silver creek. From a consideration of the whole case, we refuse to aid the plaintiff in the cancellation of the defendants' license to maintain the drain from their hospital."

WOODBURN NEWS

Woodburn, Jan. 7.—Miss Lake Watson of Kalamazoo, Michigan, who has been the house guest of Mrs. H. T. Butterfield for two weeks has returned to Montana to resume her teaching.

Miss Violet Jacobs who is teaching in eastern Oregon spent the holiday season with her parents, west of Woodburn.

Mr. and Mrs. W. F. Norman have returned from a Portland visit.

Miss Elizabeth Hammelman, daughter of Mr. and Mrs. John Hammelman is in the Salem hospital, having undergone an operation for serious ear trouble.

Mrs. A. E. Austin will be hostess to the Women's club Wednesday afternoon, Jan. 7, the annual guest day of the organization. Mrs. G. Howard Peterson will address the club and a program of music and readings will be offered by high school students and club members. It is planned to make this afternoon affair very delightful.

William Kennedy, for 56 years a resident on the old Kennedy farm near Champeong, died at the home of his sister, Sarah, and Harry Kennedy in this city, December 29, 1924, aged 76 years. Services at St. Luke's were held at 10 o'clock December 31 with Dr. Robes as celebrant of high mass. Interment was in Champeong in the Yerxa grave yard.

Miss Alice A. Maquin, daughter of Mr. and Mrs. N. Maquin was married to Lee F. Graves son of Mr. and Mrs. Roy Graves at noon Wednesday, December 31, at the Methodist parsonage by Rev. B. Waddington. The bride's sister, Mrs. Annes Hasenayger and brother, Ed Maquin were the attendants. The young couple will make their home in Woodburn after their return from a trip to Portland. The groom is connected with the Graves Canning company.

The Silver Falls Lumber company has furnished lumber for buildings of all types and sizes. Besides material for many alterations and additions and numerous barns they have sold lumber for four auto camps of two, three, four and seven buildings, respectively, for one school house, one play shed, the Woodburn Fruit Growers' warehouse, and for 16 poultry houses, 26 garages and 22 complete homes.

Radio fans appreciate the appearance of the weekly programs from KGO, San Francisco, in the Woodburn Independent.

The First Presbyterian church

LIBERTY NEWS

Liberty, Or., Jan. 7.—Mr. and Mrs. O. C. Grette visited at the Charlie Pugh home at Clear Lake New Year's.

Clara Stevenson family received a telegram stating that Miss Smith and her invalid sister are to arrive from California next Tuesday. Miss Smith took her sister to the mild climate, hoping that she would be benefited, but reports state that she is much worse.

The next Croison Canyon club will meet next Tuesday at the home of Mrs. Fred Kuebler. The Frost family have returned to their Portland home after spending a week with Mrs. W. H. Matheson and children.

Mrs. Albert Dougherty and son, Donald, who have been visiting Mr. Dougherty's parents, Mr. and Mrs. W. J. Neuens for several weeks, have returned to their home in Oregon City.

Miss Elizabeth Harris of Rose Dale was a guest in the W. J. Neuens home this week.

Mrs. P. P. Scully is seriously ill with a bad attack of tonsillitis. Frank Mahney is unable to be around on account of a severe cold settling in the muscles of his back. Willie Berndt is confined to his bed with a bilious attack. Harlan Judd, who is convalescing from a severe illness, is back in bed again suffering with a bad cold. Doris, Evelyn and Robert Anderson, grandchildren of Mr. and Mrs. P. G. Judd, are ill with throat trouble.

E. L. Coffey and son, Alva, were Lebanon visitors last week. Miss Louise Schmidt has returned from Marion, where she has been visiting relatives.

Earl Hedges of Monmouth was a recent visitor of Mr. and Mrs. P. G. Judd.

The pupils of the upper grades want to thank the editors of The Capital Journal and the Statesman for sending their daily papers to the school as a reward for their news notes from Liberty. Good use is made of them, and they are much appreciated.

The champion item gatherers for the past month are as follows: Sixth grade, Venita Rains, with Len Ohmart as a close second; seventh grade, a tie between Margerite Schmidt and Edna Matheson, each with fifty publishable items, followed by Ellen Neuens with forty-eight. In the eighth grade Sabina Schmidt led with Lola Fox second.

Next Friday night is the regular meeting of the parent-teacher's association. Come and enjoy these meetings that are proving of interest to large audiences, each occasion under the able management of the president, Mrs. Claud Stevenson.

Mr. and Mrs. Hickey and daughter of Portland were New Year's guests of Mr. and Mrs. A. B. Browning.

Mr. and Mrs. Wright recently visited relatives in Portland.

Miss Pearl Scott is now attending business college in Salem.

Ed Neuens, who is working at Valsetta, visited relatives here last Sunday.

Mrs. Earl Come spent the weekend with her parents in Silverton.

Mr. and Mrs. J. Erskine of Jefferson, parents of Miss Dorothy Eskine, the intermediate teacher, were dinner guests last Friday evening of Mr. and Mrs. R. V. Ohmart.

M. P. Adams is suffering with an attack of poison oak.

Enjoyable short programs are being given in Mrs. Hoag's room.

SEEK PROBE OF VIGILANTEES

Portland, Or., Jan. 7.—Presiding Circuit Judge Morrow, in giving the new grand jury its first instructions, has suggested that an investigation of the Portland vigilantes, voluntary citizen police.

District Attorney Stanley Myers said that he would give the grand jurors any assistance in the matter that they might ask.

Judge Morrow pointed out that one citizen had recently been killed and another had been wounded by vigilantes.

"These men are usually without police experience and often without military experience," he said.

Rosedale News

Rosedale, Or., Jan. 7.—Don Coppock is visiting relatives in this vicinity.

Almost 60 persons enjoyed the New Year's watch party given at the Doje home last Wednesday evening.

Winston Burris, of the Oregon Agricultural college, has been enjoying the vacation at home.

Miss Laura Cammack returned to Portland, Monday.

Miss Ferns Tittle visited friends Sunday.

Mrs. Krebs of Hillsboro visited her mother, Mrs. Irwin, and other relatives here last week.

Mr. and Mrs. Floyd Bates spent the weekend in Portland.

Miss Florence Smith of Portland has been spending the vacation at the home of her father, Harry Smith.

Frank Miller and family and Mrs. Ruby M. Kiser and daughters of Salem took New Year's dinner at the R. Cammack home. Mrs. Kiser and Misses Phoebe and Carol remained as house guests until Saturday afternoon.

Mrs. Turnbull, who has been quite ill, is much improved.

STOP ITCHING ECZEMA

Penetrating, Antiseptic Zemo Will Help You

Never mind how often you have tried and failed, you can stop itching, itching Eczema quickly by applying Zemo. In a short time usually every trace of Eczema, Tetter, Pimples, Rash, Itch-heads and similar skin diseases will be removed.

For clearing the skin and making it vigorously healthy, always use Zemo, the penetrating, antiseptic liquid. It is the one dependable treatment for skin troubles of all kinds. Zemo Antiseptic Liquid for dryness. Trial bottle 3c, large size \$1.00. Zemo Ointment for application at night, 50c. Zemo Soap, antiseptic and healing, 25c. All druggists.

Always Take
HILL'S
CASCARA & QUININE
BROMIDE
Relieves
COLDS in 24 hrs.
GRIP in 3 days
AT ALL DRUGGISTS 30c PER BOTTLE

House Peters
TORNADO

ELINOR GLYN'S
HIS HOUR

SILVERTON NEWS

Silverton, Or., Jan. 7.—The First Christian church of Silverton met for its annual dinner and business meeting at the church social rooms Monday evening. Due to considerable illness in the community not as large a crowd as usual was in attendance. Eighty were served at the 8 o'clock dinner, following which the annual business session was held with T. E. Preston, chairman of the board of trustees, presiding. Reports from the various committees were given showing a very successful year for 1924. The financial committee reported that \$2600.74 had been banked during the past year and that the treasury had, at the end of the year, about \$200 to the good. Membership had increased 25 during the year, making a total of 326 members. The membership of the missionary society, it was reported, had very nearly doubled, giving it a membership of 47.

Election of officers was also held, many of the old officers being re-elected. Officers now are: T. E. Preston, chairman of the board of trustees; Mrs. W. Egan, church clerk; E. Geer, treasurer; Frank Rahn, financial secretary; members of the board of trustees, Dan Reiser, L. F. Mascher, J. F. Conrad; superintendent of Sunday school, Mrs. T. E. Preston.

The American Legion auxiliary held its first meeting of the year Monday evening at which time the new president, Mrs. C. M. Wray was installed. Very little business came up for the evening. A report of considerable interest, however, was that given by the auxiliary welfare committee showing that its members together with a like committee from the parent-teacher's association had taken care of 23 children at Christmas.

The Lutheran Home Seekers Agency of Oregon which opened its headquarters at Silverton last spring, has out-grown its offices above the Penney company store and is now getting settled in the W. S. Jack building on North Water street. The building has been completely remodeled to suit the needs of the company. A heating plant has been installed. Offices have been built for both A. O. Nelson and Carl Benson, who are in charge of the company, and an attractive lobby has also been built.

Friday evening, January 9, is the evening set aside for the Silverton Playmakers' play, "Nothing But the Truth." The Silverton Playmakers is a high school organization which has given a number at the state house.

Mr. and Mrs. Max Jonites of Portland spent New Year's day with Mrs. Jonites' parents, Mr. and Mrs. Joseph Schottboefer.

Theresa Schottboefer, who is attending Willamette university, has been home on a two weeks' vacation.

G. W. Hoffman of Prospect was a guest of Mr. and Mrs. Bruce Fox recently. Fred J. Browning is adding to the equipment in his candy factory. He has lately put in a marshmallow beater that will beat up a hundred pounds at a time, and he has just installed a steel slab that weighs a ton.

LIBERTY NEWS

Liberty, Or., Jan. 7.—Mr. and Mrs. O. C. Grette visited at the Charlie Pugh home at Clear Lake New Year's.

Clara Stevenson family received a telegram stating that Miss Smith and her invalid sister are to arrive from California next Tuesday. Miss Smith took her sister to the mild climate, hoping that she would be benefited, but reports state that she is much worse.

The next Croison Canyon club will meet next Tuesday at the home of Mrs. Fred Kuebler. The Frost family have returned to their Portland home after spending a week with Mrs. W. H. Matheson and children.

Mrs. Albert Dougherty and son, Donald, who have been visiting Mr. Dougherty's parents, Mr. and Mrs. W. J. Neuens for several weeks, have returned to their home in Oregon City.

Miss Elizabeth Harris of Rose Dale was a guest in the W. J. Neuens home this week.

Mrs. P. P. Scully is seriously ill with a bad attack of tonsillitis. Frank Mahney is unable to be around on account of a severe cold settling in the muscles of his back. Willie Berndt is confined to his bed with a bilious attack. Harlan Judd, who is convalescing from a severe illness, is back in bed again suffering with a bad cold. Doris, Evelyn and Robert Anderson, grandchildren of Mr. and Mrs. P. G. Judd, are ill with throat trouble.

E. L. Coffey and son, Alva, were Lebanon visitors last week. Miss Louise Schmidt has returned from Marion, where she has been visiting relatives.

Earl Hedges of Monmouth was a recent visitor of Mr. and Mrs. P. G. Judd.

The pupils of the upper grades want to thank the editors of The Capital Journal and the Statesman for sending their daily papers to the school as a reward for their news notes from Liberty. Good use is made of them, and they are much appreciated.

The champion item gatherers for the past month are as follows: Sixth grade, Venita Rains, with Len Ohmart as a close second; seventh grade, a tie between Margerite Schmidt and Edna Matheson, each with fifty publishable items, followed by Ellen Neuens with forty-eight. In the eighth grade Sabina Schmidt led with Lola Fox second.

Next Friday night is the regular meeting of the parent-teacher's association. Come and enjoy these meetings that are proving of interest to large audiences, each occasion under the able management of the president, Mrs. Claud Stevenson.

Mr. and Mrs. Hickey and daughter of Portland were New Year's guests of Mr. and Mrs. A. B. Browning.

Mr. and Mrs. Wright recently visited relatives in Portland.

Miss Pearl Scott is now attending business college in Salem.

Ed Neuens, who is working at Valsetta, visited relatives here last Sunday.

Mrs. Earl Come spent the weekend with her parents in Silverton.

Mr. and Mrs. J. Erskine of Jefferson, parents of Miss Dorothy Eskine, the intermediate teacher, were dinner guests last Friday evening of Mr. and Mrs. R. V. Ohmart.

M. P. Adams is suffering with an attack of poison oak.

Enjoyable short programs are being given in Mrs. Hoag's room.

Simple Way to Take Off Fat

Can anything be simpler than taking a convenient little tablet four times a day until your weight is reduced to normal? Of course not. Just purchase a box of Marmola Prescription Tablets from your druggist for one dollar, and start now to reduce. Follow directions—no starvation dieting or tire some exercising. Eat substantial food, be as lazy as you like, and keep on getting slender. Thousands of men and women each year regain healthy, slender figures by using Marmola Tablets. Purchase them from your druggist, or send direct to Marmola Co., General Motors Bldg., Detroit, Mich.—Adv.

NR Junior Day

To quickly introduce NR Juniors, the manufacturers have furnished us with a limited number of full size 25c boxes of NR Juniors to be given without cost to our customers who present this coupon below on the date specified.

NR Juniors "Chips off the Old Block" - is a new form of the old reliable Nature's Remedy (NR Tablets) which has been found dependable for over 30 years as a relief for diseases caused by Faulty Elimination - Constipation, Indigestion, Rheumatism.

Free To YOU On NR Junior Day

Bring this order to our store and we will deliver to you without cost a full size 25c box of NR Juniors. This FREE box will be given out only on date specified and only one to a person. Write your name and address below.

Received one full box of NR Juniors without cost as per your offer.

NAME _____ ADDRESS _____

PRESENT AT OUR STORE

DANIEL J. FRY

For Colds

BAYER

ASPIRIN

SAY "BAYER ASPIRIN" - Genuine

Unless you see the "Bayer Cross" on tablets you are not getting the genuine Bayer Aspirin proved safe by millions and prescribed by physicians 24 years for

Colds Headache Neuralgia Lumbago
Pain Toothache Neuritis Rheumatism

Safe

Accept only "Bayer" package which contains proven directions. Handy "Bayer" boxes of 12 tablets. Also bottles of 24 and 100—Druggists.

Aspirin is the trade mark of Bayer Manufacturing of Monroeville, Germany.

Cloverdale News

Miss Hazel Bones of Turner spent several days here with Miss Mary Hennies.

A group of neighbors met at Mrs. Frank Schampierre Wednesday evening to watch the old year out. Those present were Mr. and Mrs. Ivan Hadley, Mr. and Mrs. Earl Neer, Mr. and Mrs. L. E. Hennies, Miss Mary Hennies, Albert Hennies and Mr. and Mrs. Frank Schampierre.

Mr. and Mrs. Fred Schifferer and children, Mabel and Mildred, spent Sunday in Silverton with Mrs. Schifferer's brother and family.

Mr. and Mrs. J. Cooke drove out from Salem Sunday to visit their ranch, returning home Monday.

F. A. Wood of Salem has bought the W. F. Wright property and expects to move in this week. The Wood family left this neighborhood only two years ago and their old neighbors are certainly glad to welcome them again.

W. H. Wilson was a Salem visitor Saturday.

Mrs. Anna Kunko spent Thursday in Turner with Mrs. T. E. Whitehead.

Mrs. Anna Kunko had her cousins from Silverton spending the week end with her.

John Schifferer was a Salem visitor Saturday.

Mr. and Mrs. Charles Cummings and Kenneth Russell spent New Year's day in Salem with Mrs. John Thomas and family.

NEVER neglect lame muscles

CORNS

Lift Off—No Pain!

FREEZONE

Doesn't hurt one bit! Drop a little "Freezone" on an aching corn, instantly that corn stops hurting, then shortly you lift it right off with fingers.

Your druggist sells a tiny bottle of "Freezone" for a few cents, sufficient to remove every hard corn, soft corn, or corn between the toes, and the foot calms, without soreness or irritation.—Adv.

Try this never-failing treatment

Going around half-crippled by lame muscles is needless—when it's so easy to get limbered up with this world-famous liniment.

Put on gently a little Sloan's. It needs no rubbing. The liniment itself does the whole job. In it are stimulating ingredients that start the blood circulating swiftly through the stiff, painful muscles, and this increased supply of fresh, pure blood washes out fatigue poisons and rebuilds broken-down tissue. Marvellously—your lameness is gone.

Millions know and use Sloan's. All druggists have it—35 cents.

Sloan's Liniment kills pain!

SOUTHERN PACIFIC

through the warm SOUTH-LAND to the East

Plan your winter trip east via Shasta route to sun-swept California—thence via the scenic Sunset route to New Orleans and the East.

Enjoy the comforts of the New Sunset Limited through the romantic Southwest to New Orleans. See this year's colorful Mardi Gras pageants.

And you'll like Southern Pacific dining car service—highest quality food deliciously prepared and served at your accustomed meal-time.

Low round-trip excursion fares; full stop-over privileges.

For full information, ask

Southern Pacific

A. A. Mickel, D. F. & P. A., 184 N. Liberty St., Phone 41 or 80
O. L. Darling, Agent, Salem, Oregon

The New Year Awaits

There are practically 365 days ahead—days that provide a way of making 1925 mean more in a financial way than the years which have passed.

A helpful, serviceable and cooperative banking connection such as is afforded here at the United States National Bank can, if you so desire it, work with you to insure days of prosperity ahead. May we talk over with you the plans you have in mind for the months to come?

The United States National Bank
Salem, Oregon