

HOT WAVE IN EAST BROKEN

TECHNICIAN LITIGIES RAPPED BY JUDGE DEATHS FOR NINE DAYS TOTAL 481

QUIBBLING IS THROWN OUT BY M'MAHAN

Dotting of "I" Or Crossing Of "T" Not Ground for Controversy In Crossing Case, Is Ruling.

In a sweeping declaration against technicalities, in which he declares that "quibbling whether an 'I' is dotted or a 'T' is crossed may gain some consideration in other courts, but not in this one," Circuit Judge L. H. McMahan today overruled the demurrer of Henry C. Shields to the answer of Marion County in the case interposed to hold up construction of an overhead crossing over the Southern Pacific which would eliminate five dangerous grade crossings between Marion and Jefferson. The action of Judge McMahan is a victory for the county in the case.

May Abandon Project

In connection with the case members of the county court declared today if the contention is carried on further and efforts are made to appeal or prolong the case on the part of Shields that the court will simply abandon any further move toward establishing the grade crossing at the Shields' place and discontinue plans for construction of the overhead.

"We will eliminate the other four crossings, but leave the situation at the Shields' place exactly as it is," declared County Commissioner J. E. Smith. "We are tired of this contention. It is up to Shields whether the overhead is constructed or not. If he wants to take what we have offered him, which is what the viewers found he would be damaged, we will go ahead. If he doesn't we will simply abandon the overhead and leave his farm alone, and tear up the county warrant which was issued to pay him."

Ultimatum Causes Stir

The decision of Judge McMahan in the case caused stir among local attorneys as it is the most drastic decision of its kind ever handed down in a local court or possibly in the state.

In his decision Judge McMahan fires a heavy bombardment rather than technicalities. He declares there is nothing in the demurrer to show that any person had been misled or injured by alleged errors in the proceedings of the county. The demurrer was based on grounds that returns did not show that W. J. Calver was not master of the county, that it was not properly shown that road viewers were sworn, that the description of the roadway was insufficient in that it refers to the "S. P. R. R." but doesn't say what the S. P. R. R. is. The court declared:

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Traffic Laws Justly Enforced by Police Here, Asserts Giesy

A defense of the policy of arrests for traffic violations, as practiced by the Salem police department, was made by John Giesy, city mayor, speaking before the chamber of commerce at its luncheon this noon. "There has been a great deal said," he stated, "about Salem getting a black eye because of stringent enforcement of traffic regulations, but I am convinced that the main trouble comes from within rather than from without the city."

He produced statistics which he declared prove that a negligible proportion of tourists passing through the city are arrested for violation of traffic ordinances. In the year 1924 there were 558 arrests of this type, he stated, 367 of the number being residents of the city of Salem. One hundred forty-seven were from Portland, and only 44 were tourists. During the same year there were 46,817 cars registered from the state of California alone, 17,619 from

Vindicated



Mrs. James A. Stillman and Baby Guy. Mrs. James A. Stillman was finally vindicated in her long fight to protect her own name and that of her baby son, Guy, when the New York State Court of Appeals today unanimously refused to entertain any legal doubts of the baby's legitimacy or Mrs. Stillman's fidelity. They also pointed out confessed infidelity on the part of her husband, millionaire New York banker.

CORONADO COAL CASE IS ENDED

Washington, June 8.—A rehearing in the famous Coronado coal case was refused today by the supreme court.

Washington, June 8.—(A. P.)—Road improvement taxes cannot be later assessed against land which at the time the improvement was made was owned by the United States, the supreme court held today.

Washington, June 8.—A federal district court cannot compel a person living in another district to appear as a witness before the railroad labor board, the supreme court decided today in the case of D. B. Robertson of Ohio, a railroad brotherhood official.

Washington, June 8.—The supreme court today refused to pass on the constitutionality of the New York building zone law.

LIMITS OF FREE SPEECH ARE DEFINED

Revolutionary Preachings Indefensible Opinion Of Court Upholding New York Act.

Washington, June 8.—(A. P.)—The criminal anarchy act of New York, was declared valid and constitutional today by the supreme court. Under the statute the highest court confirmed the conviction of Benjamin Gitlow, Justice Holmes and Brandies dissented, the former delivering a dissenting opinion in which he said the socialist manifesto circulated by Gitlow in "The Revolutionary Age" in 1920 on which the prosecution was based, presented no immediate danger of the overthrow of the government by force.

Revolution Advocated

In the majority opinion, Justice Sanford said the New York statute does not penalize the utterance of abstract "doctrines"; that what it does prohibit is language advocating, advising or teaching the overthrow of organized government by unlawful means.

Justice Sanford thus described the Gitlow manifesto:

"It advocates and urges in fervent language mass action which shall progressively foment industrial disturbances and through political mass strikes and revolutionary mass action overthrow and destroy organized parliamentary government."

Intent Held Unlawful

"The means advocated for bringing about the destruction of organized government necessarily imply the use of force and violence and in their essential nature and inherently unlawful in a constitutional government of law and order."

That the jury was warranted in finding that the manifesto advocated not merely the abstract doctrine of overthrowing organized government by force, violence and unlawful means, but action to that end, is clear.

The right of the state to punish those who abuse the constitutional freedom of speech, the opinion said, is not open to question.

BIBLE HELD WITH TWO SUSPECTS

There is a Bible at police headquarters today.

It is among the cigarette papers, soiled handkerchiefs, postcard photos, private correspondence and other articles taken off Irvan A. Watson of Sacramento who was arrested here last night under suspicious circumstances and who are held for investigation. The arrest was made by Traffic Officer Edwards when the car driven by the two youths and one other was observed to have only one license plate. The third youth made a run for it and got away.

The two held at the city jail claim that the lad who escaped stole the car in California, and that while they were asleep at Grants Pass he stole a license plate off an Oregon car and substituted it for a California plate on the car driven by the trio.

The car in which the party was traveling last night had Oregon license plate number 156-634, which was issued to W. L. Starr of West Fir, Lane county.

BRITISH AND FRENCH AGREED UPON PACT

Geneva, June 8.—(A. P.)—British Foreign Secretary Chamberlain and French Foreign Minister Briand announced today that a complete accord has been reached by Britain and France on all points of the reply to Germany's proposal for a western European security pact.

Eight Killed in Wreck
Peru, Ind., June 8.—Eight negro track layers and one trainman were killed today when west-bound Chesapeake and Ohio freight train overturned while rounding a curve near Coopers, Ind., 155 miles south of here.

Bacteria Use Outlawed In Future Wars

Geneva, June 8.—(A. P.)—The use of bacteria in warfare was today outlawed by the international arms conference. An amendment was adopted placing bacteria with poison gas on the list of forbidden war methods.

The amendment to include bacteria in the protocol of the conference for the limitation of traffic in arms and munitions was offered by Poland and supported by the American delegation.

The protocol was returned to a committee for redrafting in order to include bacteria. The conference adjourned indefinitely to await the committee's report.

STRATON POKES FUN AT FOSDICK CHURCH EDIFICE

New York, June 8.—(A. P.)—"Socony Church" is the suggestion of Rev. Dr. John Roach Straton for the name of the new skyscraper edifice at which the Rev. Dr. Harry Emerson Fosdick is to be pastor.

Dr. Straton, fundamentalist and pastor of Central Baptist church in his sermon yesterday, poked fun at the plan of the Park avenue Baptist church, which is attended by the Rockefeller and has called Dr. Fosdick, moderate and former Presbyterian preacher.

Dr. Straton suggested that three generations of Rockefeller might label the new church with an acronym "Socony" electric sign.

Newspaper accounts of Dr. Fosdick's first sermon a week ago in the present Park avenue church also inspired Dr. Straton to satire. John D. Rockefeller, his son, John D. Jr., and the latter's son attended the service and shook hands with members of the congregation.

The elder Rockefeller gave dimes to several children and one dime fell on the floor. Said Dr. Straton: "A picture skillfully painted in a row across the chancel and at the base of the pulpit, the shining Standard Oil dime rolling on carpet and the lucky youngster making his wild dive for it between the legs of the Standard Oil magnate ought to be historically preserved and the best place for it would directly above the altar."

JEALOUS SUITOR STABS TWO AND MAKES ESCAPE

Eugene, Ore., June 8.—Harry Brink of Springfield is at a local hospital with a slashed jugular vein and Mrs. Floeste Hurd, also of Springfield, is at the same hospital with several wounds in her neck. The injuries are a result of an alleged stabbing affray on the Pacific highway between here and Springfield Saturday night.

The injured are expected to recover, according to the hospital authorities. John Sollowack, who police declare did the stabbing, is still at large.

ROBBER KILLED IN PISTOL DUEL

The trio were riding toward Eugene in a car, according to the police. Brink was driving and Mrs. Hurd was sitting in the front seat with Mrs. Sollowack, who was in the rear seat of the car, suddenly leaped forward and slashed Brink across the throat, the police declare and then stabbed Mrs. Hurd several times.

The car, left without a guide, dashed across the highway into the ditch. Mrs. Hurd and Brink were thrown to the roadway, where Mrs. Hurd called for help.

A passing car picked up the injured pair and brought them to the hospital here.

Jealously over the woman, who is said to have earned his love, is assigned by the police as the motive for Sollowack's act.

Mrs. Hurd is a widow, her husband having committed suicide about year ago. She is the mother of four children.

Sollowack is said to be about 25 years of age.

SIX MINERS TRAPPED BY EXPLOSION

Disaster Second For Kentucky Mine; 120 Others Escape Thru Emergency Exits From Shaft.

Sturgis, Ky., June 8.—Twelve or thirteen men were entombed by a gas explosion in the West Kentucky Coal company's mine number nine here today, E. Jenkins, vice-president of the company said. Seven were negroes.

Asked if a check by W. L. Williams, purchasing agent for the company, that only six men were entombed, had been verified, Jenkins said that mine officials believed at least twelve men were underground.

Sturgis, Ky., June 8.—A. P.—Six men, four of them negroes, were entombed in mine No. 9 of the West Kentucky Coal company here today when an explosion wrecked entry No. 1, a check made by company officials this afternoon indicated.

W. L. Williams, purchasing agent for the company said that instead of two hundred men underground when the blast occurred there were about 130. Most of them escaped through other entries to the mine, he added.

Eight years ago an explosion in the company's mine No. 7 took a toll of 62 dead.

A United States mine rescue car was summoned from Evansville, Ind., and was expected to reach the scene this afternoon.

The extent of the damage has not been determined. Ventilation is good, however, and the upper workings of the mine were not damaged, mine officials said.

A rescue crew maintained by the mine was hastily summoned and began to descend into the mine. The shaft is 425 feet deep.

The explosion is believed to have occurred in entry No. 1. The 15 miners there in probably were 1,500 to 2,000 feet back from the shaft when the blast occurred.

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GIBBONS TO ASK RETURN MATCH

St. Paul, Minn., June 8.—(A. P.)—Tommy Gibbons returned to his home here last night from New York and declared he would seek a return match soon with Gene Tunney of New York, who knocked out the St. Paul veteran in the 12th round Friday night.

Tommy said he would rest for about a month before plunging again into his quest of the world's heavyweight boxing championship. The first knockout of his career has "not" convinced him that he is through as a successful fighter, the St. Paul boxer said.

"I do not think I have come back a single step," Gibbons asserted. "I plan to rest for a month and then to ask Tunney for a return match. I want to test myself once more and then if I fall I shall retire. But I would never be satisfied to quit now."

"I fought a hard fight against a good man."

ISTHMUS FLOODS TAKE TOLL OF OVER 100 LIVES

Mexico City, June 8.—(A. P.)—Special dispatches from Vera Cruz report that more than 100 persons have been drowned and several hamlets destroyed in the Isthmus region, caused by the overflowing of the Tehuantepec and Ferrocarril river.

Emergency Board Declines to Fund Vetoed Expenses

Whether the state emergency board has authority to clothe itself with the power that is held by two-thirds of the state legislature and override vetoes of the governor was the question that was uppermost at the meeting of the state emergency board yesterday. State Treasurer Kay and some other members took the stand that the emergency board has no such power, with the result that funds asked by several departments to cover item vetoes by the governor in appropriation bills of the last legislature were either not allowed, or the officials asking them were instructed to pay the needed money from some other portion of their

funds and later come before the emergency board with requests based on deficiencies in funds authorized by the legislature.

Because of the opposition to overriding vetoes of the governor, the requested deficiency appropriations were cut from about \$31,000 to \$21,645.

Secretary of State Kozer was allowed \$20,000 to begin the administration of the act requiring certificates of ownership of all automobiles in the state. He estimates that \$50,000 or \$60,000 will be needed this year, but the \$20,000 will be used for purchase of typewriters and other capital outlay.

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EXPEDITION TO SEEK AMUNDSEN OFF FOR NOR'H

Aboard S. S. Ingerette, June 8.—(A. P.)—At 9:30 this morning the Ingerette, carrying the Norwegian government's Amundsen relief expedition, was proceeding toward Spitzbergen at her maximum speed of 16 1/2 knots per hour.

The seaplanes F-18 and F-22, were slung across the deck ready for service whenever needed. They will be used in searching for the missing explorers who started for the north pole from Spitzbergen in two flying boats.

The Ingerette spent two hours taking on supplies at Bergen, a Norwegian harbor 190 miles northwest of Oslo.

The almen who are to pilot the seaplanes in search of Amundsen are quiet, virile Norwegians, whose constant thought is the hope of rescuing Amundsen—although they admit that to find him now would be a tremendous piece of luck.

Lieutenant Lituzo Holm, leader of the aviators, told the Associated Press that his intention was to reconnoiter along the edge of the Arctic pack to the northeast of Dunes Island. Lieutenant Holm's assumption is that if Amundsen is returning about from the pole toward his original base, he will naturally make for the nearest land, which would be the so-called northeast land, or Spitzbergen archipelago.

Refunds to individuals are to be deducted from the \$400,000 received last week and will slightly cut down the approximate total of \$3,325,000.

The additional payments now coming in from corporations on accounts of dividends will, according to State Treasurer Kay, cut down considerably the deficit to be faced by the state during the present biennium.

Yesterday's Scores
Portland 19-3; San Francisco 13-6.
Seattle 917; Los Angeles 1-2.
Vernon 5-10; Sacramento 0-3.
Oakland 4-3; Salt Lake 3-1.

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Politics Are Forgotten By Minnesotans As Coolidge Pays Visit

St. Paul, Minn., June 8.—(A. P.)—Political differences were forgotten today as the people of Minnesota and the northwest joined in honoring President Coolidge, their guest for the day.

Coming into the territory which was a battle ground in the last political campaign on a non-political mission—to pay tribute to the Norwegian immigrant—the executive was given a welcome that did not know the bounds of race or party.

Thousands of cheering men, women and children lining the Union station concourse and streets nearby greeted the president and Mrs. Coolidge on their arrival last night. Thousands of others awaited an opportunity to get a glimpse of them today, to hear the president's address at the Norse-American fraternal celebration at the state fair grounds or to see them at close range at a public reception tonight at the state capitol.

While here the president and Mrs. Coolidge are guests at the home of Secretary and Mrs. Kellogg. They will leave for Washington shortly before midnight tonight.

On arrival last night from Washington, Mr. and Mrs. Coolidge went to the Kellogg home but not until the president clasped the grimy hand of J. W. Murphy, engineer, and W. Lang, fireman, on the engine which pulled the train into St. Paul, with the remark: "That was a fine ride."

Soldiers from Fort Snelling added police in their efforts to handle the crowd which surged toward the president as he made his way through the station. Even after he had found seclusion at the Kellogg residence, hundreds of curious folk lingered in an adjoining street.

COLLECTION OF INCOME TAXES IS SPEEDED UP

Since June 4, when waivers of penalty and interest on delinquent income taxes ceased, the total collected under the income tax act of 1923, now repealed, has mounted rapidly, and has now reached approximately \$2,325,000. At the time the law was enacted it was estimated the act would yield \$1,250,000.

Last week alone nearly \$100,000 was received, of which \$356,000 was turned over to the state treasurer. Some turnovers have not yet been made by the tax commission. One big corporation alone remitted an additional \$56,000.

While some of the receipts represent fourth installment payments by the taxpayers and sources uncovered, or field investigations, by far the most of it is a result of the supreme court opinion holding that corporations are to be taxed on their dividends, while taxes paid by individuals on their dividends from corporations are to be refunded. The refunds to individuals, in the opinion of Earl Fisher, state tax commissioner, will not be more than one-third of the taxes on dividends paid by corporations.

RELIEF FORCAST

Relief was forecast by the weather bureau from two directions.

Portions of the air, particularly in New England and New Jersey were scheduled to benefit from an atmospheric movement from the northwest while the west was promised relief as a disturbance moved into the central states from the Rocky mountains. By Tuesday the western messenger will have progressed to Tennessee, the Ohio valley and the lower lake region.

The entrance of the storm into the middle west was accompanied by considerable damage in several states. High winds, small tornadoes and rain demolished buildings, flooded basements, interrupted communication, killed or injured several persons. Little Falls, Minn., Omaha, Neb., Vian and Ardmore, Okla., Wray, Colo., and Davenport, Iowa, were in the path of the storm. Near Wray a gale swept through twenty-five

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COLLEGE PROFESSOR MURDERED BY YOUTH

Baton Rouge, La., June 8.—Oscar B. Turner, professor at Louisiana State university, was found late yesterday in a university building with his throat and face gashed into unrecognizability and died shortly afterwards.

A small rifle case, found lying near by with a bloodstained hand print on the handle, is the only clue to the tragedy.

Police believe his assailant was a student who wore a grudge against him.

Missing examination papers, believed to play an important part in the killing, which could not be found before and immediately after the tragedy, have been mysteriously returned to Professor Turner's desk, police announced last night.

DEATHS FOR NINE DAYS TOTAL 481

Chicago, June 8.—Relief in eastern and middle western areas was in prospect today from the almost nation-wide heat wave which has taken a toll of 481 lives in nine days. Although western temperatures were moderated to some extent yesterday by cloudiness, rain and winds resulting in a smaller number of deaths than the day before, the confining heat in many eastern areas added heavily to the casualty list. Deaths yesterday directly attributed to the heat numbered 157, all but 8 in eastern territory. The previous total was 324 deaths from heat and storm.

Philadelphia led the casualty list with 71 deaths, while 31 were recorded in Detroit.

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