

CIRCULATION Daily average net paid circulation for month ending May 31, 1925 6738

Capital Journal

FAIR TONIGHT And Wednesday, except cloudy or foggy along the coast. Mild temperature. Moderate westerly winds.

FORTY-SEVENTH YEAR No. 155 SALEM, OREGON, TUESDAY, JUNE 30, 1925 PRICE THREE CENTS ON TRAINS AND NEWS STANDS FIVE CENTS

SPECIAL ELECTION QUASHED

LOOTERS BUSY IN WRECKAGE DURING NIGHT

Thieves Pillage Ruins of Santa Barbara Before Patrol Strengthened; Bodies Recovered

Santa Barbara, Cal., June 30.—(A. P.)—Santa Barbara today, through its clearing house association, issued an appeal to the nation for a \$2,000,000 earthquake fund, and to bankers and clearing houses of the county for a \$20,000,000 loan reconstruction fund.

Santa Barbara, Cal., June 30.—(By Associated Press)—Looters played their nefarious trade among the earthquake ruins of Santa Barbara during the night and numerous reports of their depredations came from officers, national guardsmen and naval reservists who threw a net work of patrols over the business district during the dark hours.

Quatuor Catholic church was said to have been one of the principal sufferers. Here the police report said, the altar vessels of gold and silver were stolen.

Two supposed thieves were surprised in the ruins of the Arlington hotel, but they managed to evade arrest.

Other minor cases of theft also were reported, including pilfering from the shops along the waterfront.

The night and early morning were marked by two severe tremors which again rocked the city at 1:22 and 4:28 a. m. The first of these brought down one of the remaining chimneys of the Arlington hotel and also completed the wrecking of a couple of small brick buildings which had been badly damaged in the quake of Monday morning.

Before dawn they had recovered two of the bodies for which they were searching, those of Mrs. Charles E. Perkins, 53 year old millionaire widow of Burlington, Iowa, and Bertram H. Hancock, 21.

PEOPLE SLEEP IN OPEN AS MONTANA QUAKE CONTINUE

Bozeman, Mont., June 30.—Southwestern Montana continued to keep its earthquake eye open today with the receipt of news late last night that shocks still were being felt near the scene of the disturbances of Saturday night and Sunday.

The Gallatin river valley stirred restlessly all day yesterday and the threat shocks were felt here at 10:20 and 11:25 o'clock last night.

Last night's shocks drove people from their beds and many spent the remainder of the night out of doors.

Dozens of shocks have been felt between Bozeman and Three Forks one of the three towns which suffered most, since Saturday night.

The shifting of the earth's surface yesterday were felt at Great Falls, Helena, Laramie, Three Forks and Manhattan, but no material damage was done.

Seven hundred men are at work clearing rubble of Chicago, Milwaukee and St. Paul railroad yards in Sixteen Mile canyon near Laramie, which was buried by avalanches resulting from quakes. Traffic over the Milwaukee line still is impossible through that section, and its trains are being rerouted over Northern Pacific and Great Northern tracks.

Two Million Is Asked for Relief Work

Santa Barbara, Cal., June 30.—(A. P.)—Santa Barbara today, through its clearing house association, issued an appeal to the nation for a \$2,000,000 earthquake fund, and to bankers and clearing houses of the county for a \$20,000,000 loan reconstruction fund.

The following telegram was sent to the chamber of commerce of Los Angeles and San Francisco: "Accept your offer of assistance. Send us today three or five superior structural engineers to act in advisory capacity to city government in an immediate survey for reconstruction of Santa Barbara."

Dr. Rexwald Brown, president of the chamber of commerce, and Herbert Nunn, city manager, signed.

9 LIVES LOST IN TREMBLOR

Recheck Shows 30 Injured And Property Damage of \$20,000,000 To \$25,000,000, Santa Barbara

Santa Barbara, Cal., June 30.—(A. P.)—A recheck today of the losses due to yesterday's earthquake indicated the death list as nine, this number of bodies having been found; the injured list at thirty, and property loss between \$20,000,000 and \$25,000,000.

E. A. MacDonough, secretary of the chamber of commerce, in estimating the property loss at the meeting today, stated that figure.

Herrado Charis, Mexican, of Santa Barbara, died at the Cottage hospital today, from injuries received in the earthquake.

The total of bodies recovered this morning from the ruins stood at eight. They were:

Mrs. Charles E. Perkins, Burlington, Iowa; Bertram H. Hancock, Los Angeles; Dr. James C. Angle, Santa Barbara; William Proctor, Santa Barbara; Merced Leon, Santa Barbara; Fenthios Storio, Santa Barbara; Marinina Mienostide, Santa Barbara.

Services for Mrs. Perkins will be held here today. The body will be sent to Rosedale cemetery, Los Angeles, where it will be cremated.

The eighth victim was added to the fatality list when the mission fathers reported the death of John Shea, gardener at St. Anthony's college, adjoining the mission.

He was crushed in the corridor of the college chapel yesterday. He was buried today.

Experts Disagree On Cause of Earthquake Give Three Reasons

New York, June 30.—(A. P.)—Experts were divided today as to the cause of the Santa Barbara earthquake. Ocean leakage, accumulated strain on the earth's crust and extreme hot weather were among the theories assigned.

SEARCH AND SEIZURE IS HELD LEGAL

Arrest Need Not Precede Search of Law Violator Court Hules In Reversing Previous Stand.

The presence of Justice H. H. Bell on the Oregon supreme court bench resulted in the court today reversing its former opinion of January 2, written by former Justice M. L. Pipes, and upholding the lower court for Benton county in the conviction of F. A. McDaniel on a charge of possessing intoxicating liquor.

The right of search and seizure prior to arrest, and to the evidence so obtained were mainly involved in the case. The opinion of Justice Bell, handed down today, affirms Judge G. F. Skipworth of the lower court. It, in effect, is in favor of the arresting officers.

Former Justice Pipes held an opposite view in his opinion and had the support of Justice Bean, Rand and Brown, making a four to three opinion of the court. In the Bell opinion these three justices dissent, while Chief Justice McBride and Justice Burnett and Coshaw concur, making a four to three opinion for the state.

The state asked for a rehearing of the case when Justice Pipes retired from the bench and Bell succeeded him following the latter's election last November. Justice Brown's dissent is, however, only in part, and he announced it in writing in a few words.

"I am in accord with the law as laid down by Mr. Justice Bell in the well-prepared majority opinion, but I cannot concur in the holding that the defendant was lawfully arrested prior to the forcible search of his person, or that such search and subsequent arrest were contemporaneous," Bean and Rand did not write their dissents.

Officers Upheld. The court holds, through the Bell opinion, that the officers, from personal knowledge through the sense of sight and smell, had the right to draw the reasonable inference that the defendant had intoxicating liquor in his possession and that he was attempting to drive an automobile while in a drunken condition.

It is held, he was committing a crime in their presence, for which they had the legal right to make arrest without a warrant, and the right of search followed as an incident thereto.

"We give no sanction or approval," says the opinion, "to arrests based upon mere suspicion and hearsay, and exploratory searches cannot be made to obtain evidence upon which to base an arrest. The law requires the arresting officers to exercise prudence and good faith, and will not countenance impudent and unwarranted interference with the constitutional rights of citizens to be secure in their persons, houses, papers and effects." In the dissent.

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EVOLUTION LAW SOUGHT IN 3 STATES

Statute Based Upon Tennessee Law To Be Initiated In Oregon, California and Washington.

A replica of the Tennessee anti-evolution bill which has stirred the country through the Scopes case will be initiated in Oregon, Washington and California to be passed on by the electorate of these three states, according to Dr. E. A. Cantrell, who has been debating Dr. W. B. Riley in California, Oregon and Washington on the question of teaching evolution in the schools.

Dr. Cantrell takes the side against the fundamentalists. He is here arranging for debates in the near future with Dr. Riley at Salem and Eugene.

Dr. Cantrell declares that the first big gun in the battle to put over the anti-evolution bill in the state.

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MARRIAGE HERE SUNDAY LAID ON PRIOR CONTRACT

A matrimonial emancipation proclamation, as it were, issued by Miss Joy Turner, well known Salem musician, respects to her marriage last Sunday to William Moses, was unscrutinized this morning among the official legal documents of Marion county. The document, which is in the form of a contract between herself and her husband, was filed Thursday, June 25.

The contract itself, while admitting that the two are becoming husband and wife, distinctly, definitely and positively sets forth the statement that so far as her property, real and personal, is concerned, he is to maintain a hands-off policy. To this Mr. Moses solemnly agrees, setting his seal, along with hers, to the contract.

The contract was entered into on December 13, 1924, some three months previous to the time the engagement was announced, showing that she had asserted her modern woman's right before she ever let the affair get too far. The document reads in part as follows:

"For and in consideration of the said marriage and the sum of \$25, receipt of which sum is hereby acknowledged by the said William Moses, he, the said William Moses, do hereby waive, release, bargain and sell to Joy Turner, any and all right, title and interest which he may have to acquire in and to the property of the said Joy Turner by virtue of said marriage."

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COOLIDGE GOES BACK TO TASKS

Plymouth, Vt., June 30.—(By Associated Press)—President Coolidge left here today for Swampscott, Mass., assured that his father, who had recovered from an attack of illness, was expected to reach his destination about 7 p. m.

NO STRING ON OFFER MADE TO HOSPITAL

Park Denies Meyers Gift of Fund To Build New Wings Conditional On Job As Manager.

Flat denial that Henry Meyers is demanding a life job as manager of the Salem hospital as a salary of \$250 a month in return for a gift of \$50,000 with which to build new wings to the hospital building was made this morning by Charles A. Park, secretary of the hospital board, and E. T. Barnes, a member of the executive committee, in statements explaining the proposed gift by Mr. Meyers.

The statements are made in the absence of H. S. Gile, chairman of the board, who is now in the east.

According to the statement Mr. Meyers makes the gift outright with the stipulation that he and Mrs. Meyers are to receive an annuity from the hospital of \$400 a month during their lives.

He also suggested that if the board saw fit he would accept superintendency of the construction of the new wings at a monthly salary of \$250, but his employment as construction superintendent is left optional with the board.

The statement made by Mr. Park reads as follows:

"Concerning the article that appeared in the Oregon Statesman this morning in regard to the Salem hospital, I wish to correct the statement in said article that in Mr. Meyers' offer to contribute \$50,000 for the building of the two wings of the hospital building no provision was made that he was to be employed by the hospital in any capacity, neither does any member of the hospital board feel that Mr. Meyers wishes or would accept a position under the hospital management."

"What Mr. Meyers did say was that he would want to have charge of the construction work when the two wings are built, and that the board could pay him a small salary, not just as it pleased. His services in this regard would terminate as soon as the two wings are finished."

"The board feels that Mr. Meyers' offer to the hospital is a generous one and being in the nature of an annuity the yearly payment of interest during the life of himself."

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CRAWFORD DIES ON FISHING TRIP

Portland, Or., June 30.—A. M. Crawford, prominent local attorney, and for twelve years attorney general of Oregon died early today while on a fishing trip to Elsie, south of Bend, according to word received here from W. T. Slater, one of Crawford's companions. No details were received. As Mr. Crawford appeared to be in good health when he left here his friends believe he may have died from a heart attack.

QUAKE BRIEFS

From the historic altar of the Mission Santa Barbara a priest with upraised hand exhorted those assembled at early mass to resume prayer when the earthquake struck the church. The congregation obeyed. By a providential turn the pew occupants were not injured. Instead they walked over ruins which fell from the exterior of the building. Had they left in panic they would have been struck by material which fell outside the building.

An earthquake fault described as "dead but definitely located" was responsible for the tremor at Santa Barbara. The fault starts in the Pacific ocean off Point Conception and touches land at Naples, 15 miles north of Santa Barbara and runs through the city terminating in the hills to the east.

Movement of the earthquake in Los Angeles yesterday morning caused downtown buildings to sway considerably, but the movement was slow and even and there was no damage.

Telegraph companies held large extra forces in San Francisco and Los Angeles last night to move thousands of messages which deluged in from eastern points to the Santa Barbara earthquake stricken region. The messages were principally inquiries regarding the safety of friends and relatives.

Many adobe houses, the last vestige of the Spanish regime at Santa Barbara, were destroyed by the tremors. Included in these was El Patio, which figured prominently in the colorful days of Governor Pio Pico.

Of La Guerra, "with a history" equal to "El Patio" the Associated Press correspondent wrote: "The faded green shutters were broken and twisted in the heap of gray clay—once the social gathering place of Spain's gay bores and caballeros."

Eight miles of Southern Pacific railway track north of Santa Barbara was twisted by the tremors. Attempts were being made today.

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BUILDING HERE SHOWS BIG GAIN OVER LAST JUNE

A Y. M. C. A. building to cost \$125,000 and a Catholic church, school and parish house to cost a total of \$100,000 swelled the Salem building record for the month of June, which closes today. These, with a total of \$107,900 for new dwellings, \$46,500 for a new apartment house, and various amounts for smaller buildings and for alterations and repairs brought the grand total for the month up to \$285,700.

This an advance of more than 600 per cent over the record for June of last year, when the total for building in Salem was \$59,405.

The actual estimated cost of new construction for June is \$285,700, while repairs and alterations add \$4100 more.

EVOLUTIONISTS TO DEBATE HERE

Dr. Edward A. Cantrell, who has been conducting a series of debates on evolution on the coast with W. B. Riley and who has been in the city since Friday as a guest of County Fruit Inspector Van Trump, has just received a telegram from Riley at Seattle stating that Riley is willing to debate the subject in Salem and Eugene if satisfactory dates can be arranged. As a result a tentative bid has been taken on the armory, subject to arrangement of dates, which will be sometime before July 8, according to present plans.

The subject to be discussed, if the debate is staged, will be "Resolved, That Evolution is a Fact, and Should Not Be Tolerated in a Tax Supporting the Public Schools."

Dr. Cantrell takes the evolution side of the subject.

Annual Bargain Day Expected To Bring Big Crowd Thursday

The streets of Salem will be lined with victors on Thursday of this week, and the stores and shops will be full of people coming from near and far places. For that day—Thursday July 2—is set apart for the eighth annual bargain day in Salem.

COURT HOLDS GOVERNOR'S VETO VALID

Bill To Refer Measures In September Declared To Be Simple Legislative Act In Verbal Opinion.

Oregon will not have a special election in September. This was settled by the supreme court today in a verbal opinion in the case of L. L. Swan against Secretary of State Kozar, an original proceeding in mandamus to compel Kozar to call a special election notwithstanding Governor Pierce's veto of the special election bill of the 1925 legislature.

With possibly one exception the court was a unit in the opinion and a written decree will come down a week from today. The reason for a verbal opinion was to meet the necessity for quick action because of various state duties that would be immediately necessary should the election have been called, such as certifications to county officers and the filing of arguments for voters' pamphlet. Chief Justice McBride said there was a possibility that one justice would dissent, but that all the other six were very decided in their opinion that the governor had a constitutional right to veto the special election bill, inasmuch as it was a simple legislative act with no legal status different from any other legislative act.

The special election bill was passed by the legislature, and provided that the election be called in event that referendum were invoked against any of the revenue producing acts of the legislature, in which event all measures referred to the people by the legislature itself also would be voted on except the eastern Oregon normal school bill. The referendum was invoked on the tobacco tax.

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MOUNTAIN SIDE SLIDES SLOWLY DOWN INTO RIVER

Jackson, Wyo., June 30.—The north end of Chief mountain is creeping slowly down upon the Gros Ventre river valley and crumpling as it goes.

Moving down upon the river on a front of several miles at a rate of speed that is almost perceptible, forest rangers and ranchers declare, it will create a great basin if it blocks the canyon, through which the river runs. They believe that the section of the great mountain was jarred loose by the earthquake shocks which were felt here Saturday, and that the result that which occurred last Tuesday, will be an avalanche greater than when a section of Sheep mountain, at a point below Chief mountain, fell into the river and caused it to form a lake.

When the expected avalanche occurs it will dam the river to such an extent that once the basin is filled the stream will find a new outlet.

Below the Sheep mountain dam the river is dry and all irrigation operations are at a standstill.

The lake formed by last week's avalanche already covers 5000 acres, and the piling up of boulders and earth around the sides of this newly formed basin has created cliffs hundreds of feet high. The lake at that point, which was 120 feet deep shortly after the slide, now is 300 feet deep, residents say.

REFRIGERATOR FIRMS ADMIT TRUST CHARGE

Chicago, June 30.—(A. P.)—Sixteen refrigerator manufacturing companies pleaded guilty to federal court today to the indictment in the furniture cases under the Sherman anti-trust act and were sentenced to pay fines ranging from \$2000 to \$5000 each.