

COMPROMISE IN ROYALTIES CASE SAVES BIG SUM

The state is saved at least \$125,000, and perhaps much more, it is believed, through a compromise that was announced yesterday by Attorney General Van Winkle by which litigation between the state and the Warren Brothers company is brought to an end. Acting for the state were the attorney general and the state highway commission, and the company was represented by its attorney.

The settlement involves the famous patent pavement case, which was tried on in the federal courts and won by the Warren Brothers company. After a bitter fight in the legislature of 1919 an act was passed authorizing the state highway commission to use a paving composition on which the Warren company claimed a patent and which was known as bitulithic. The commission was authorized to disregard the company's claims of royalty, but the state was pledged to protect the contractors in event litigation should be brought and they held for royalty payments.

The Warren Brothers company sued Onker Huber, one of the contractors that was laying bitulithic. Huber died, and E. T. Cookingham administrator of his estate, became the defendant. The United States district court for Oregon and the United States circuit court of appeals upheld in the main the contentions of the Warren Brothers company, and indicated a minimum judgment of \$125,000 against the state, or a royalty of 25 cents a yard for 1,078,860 yards of pavement with interest at 6 per cent for about five and one-half years. Also the court has indicated in a later suit filed by the company against the highway commission, the possibility that punitive or triple damages might be assessed against the state, which would total a judgment of \$788,853.

"The representatives of the state have finally succeeded," said Attorney General Van Winkle, "in securing an agreement with the attorneys for the Warren Brothers company for a settlement of the entire controversy for \$225,000. The attorney general and the state highway commission are in full accord that the best interests of the state are served by making this settlement, thereby effecting a saving of at least \$125,000 on the indicated judgment, and a possible saving of approximately \$374,000, should the court award punitive damages. The patents involved in this litigation expired in May, 1920, and no royalty has been paid on any type of pavement laid since that date."

Grand Rapids, Mich.—W. L. (Young) Strubling, Atlanta light heavyweight, knocked out Billy Frenz of Grand Rapids in the seventh round.

Scopes Trial Only Revival of Old-Age Search for Truth

New York, July 10.—(A. P.)—The age-old effort to define truth will be revived when Professor John T. Scopes, Tennessee evolutionist, has his day in court.

His indictment for teaching the Darwinian theory in public schools contrary to the statute has precedents which reach back for centuries. In America they date virtually from Plymouth Rock; in the world at large, from the dawn of the Christian era.

The now nationally known "Scopes case" is recognized akin to prevailing differences between modernists and fundamentalists which have increased with the rise of Dr. Harry Emerson Fosdick.

The last actual trial occurred in Cleveland, Ohio, in May, 1924, when William Montgomery Brown, former Protestant Episcopal bishop of Arkansas was pronounced guilty by a church court of holding beliefs at odds with the accepted doctrine of his denomination. He publicly avowed communism and so-called atheism.

In the '30s, Professor Charles A. Briggs, a Presbyterian seminarian of New York city, was charged with having expressed himself at variance with the Westminster confession. The New York Presbytery cleared him, but the general assembly of the church reversed the decision and pronounced a verdict of suspension.

Dr. Richard Heber Newton, a New York Episcopalian, of the same period, cut short charges against his "broad churchmanship" by demanding a formal trial. His demand was met but the plaintiffs failed to appear.

David Swing of Chicago left the Presbyterian faith to preach independently in the '70s when those citing him for alleged heresy refused to abide by his acquittal at the hands of the Chicago Presbytery and threatened to appeal to the synod.

Mrs. Sarah B. Cooper, Sunday school worker, was haled before the Presbyterian authorities in San Francisco about 1870.

Theologians to survive heresy proceedings and gain what was reported as a firmer position were Horace Bushnell, Congregationalist of Hartford, Conn., in 1849; Professor Philip Schaff, whose acquittal in the German Reformed church in 1845 was echoed for 35 years in the "Mercesburg controversy"; Lyman Beecher, father of Henry Ward Beecher, and Presbyterian pastor in Cincinnati, in 1835; and Rev. Albert Barnes, Presbyterian of Philadelphia, in 1837.

The witcher's delusion in Salem village was the tragic climax of controveralism in colonial days when nineteen were hanged and one "pressed to death" in 1692.

Henry Dunster was forced to resign as the first president of Harvard college in 1654 after he publicly doubted validity of infant

baptism. He was also indicted by a grand jury as a heretic and sentenced to "a public admonition" and placed under bond for good behavior.

Samuel Gorton, religionist, about 1640 was virtually deported to England because of the unpopularity of his temperament and views. He returned to America under letter of safe conduct issued by the Earl of Warwick to the Massachusetts magistrates. Gorton's trouble started in Plymouth colony when he came to the defense of his wife's servant who had smiled in church. He suffered successive banishments from Plymouth, Newport, Rhode Island and Boston. A sect which adopted his animosity survived him one hundred years, records show.

England was stirred in 1407 when Master William Thorpe, priest, was "examined of heresy" before Thomas Arundel, archbishop of Canterbury and Lord Chancellor.

The first heretic of Christian times was Simon Magus, the magician, of Samaria, according to the writing of St. Alphonsus M. Ligouri. Simon was cited in Acts of the Apostles as having attempted to buy the secret of the laying on of hands from the Apostles Peter and Paul. The sale of holy things ever afterward became known as "simony."

WRIT ISSUED IN REFERENDUM ON CIGARETTE TAX

Chief Justice McBride of the supreme court yesterday issued an alternative writ of review in an original proceeding filed for the purpose of getting a change made in the ballot title of the tobacco tax referendum bill. It is the case of the state on relation of John H. Carson, district attorney for Marion county, against Secretary of State Kozee and the Oregon Retail Tobacco Dealers association. The defendants must make answer in the case on July 24.

The case is an appeal from the lower court where Judge McMahan dismissed the case on grounds that the wrong procedure was being followed by the plaintiffs.

The petitioners aver that the ballot title is unfair in that it does not properly describe the act.

INTEREST KEEN IN SUNDAY GAME

Interest is keen in the game for Sunday between the Salem Senators and the Crown Willamette nine of West Linn. The race is coming to a climax with only four more games of the interstate league and a postponed game between the Luckenbach nine and the locals. Had Salem won their game last Sunday they might be sitting on top of the world but inasmuch as they failed to come through they will have to play outright ball all of the rest of the games to cap the pennant.

Two things ruined the Senators' season.

NEW INCORPORATIONS

The following articles of incorporation were filed yesterday with the state corporation department:

Kwickwash Sales company, Portland; incorporators, Harry A. Austin, E. J. Elvers, Thomas E. Cosgrove; capital, \$1000.

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DOG GIVES LIFE TO SAVE MISTRESS FROM RATTLER

Muskegon, Mich., July 10.—(A. P.)—"Krip," an old brindle bull dog owned by Miss Mabel Hill, gave his life Wednesday to save his mistress. While walking near her cottage she came upon a rattlesnake coiled, ready to strike.

Edwards will start Bill Ashby on the mound for the locals and will be behind the bat himself. Ashby has been hurling good ball lately although he tires along about the seventh frame. If the team gets in and backs him up, well it is almost a cinch. But don't be too confident as the West Linn team has a strong aggregation and with Bittles, Stone and King for

DOG GIVES LIFE TO SAVE MISTRESS FROM RATTLER

"Krip" attacked the reptile, killing it, only after he had been severely bitten. Within an hour the dog had died.

FROM GIRLHOOD TO MOTHERHOOD

Through all these periods of their existence thousands of women toll on, often suffering with backache, pains in side, headaches and nervousness, all telltale symptoms of some local derangement. Lydia E. Pinkham's Vegetable Compound is the one great remedy that will overcome such ailments. All over America women are telling other women how this wonderful medicine has restored them to health and the joy of living. This accounts for the tremendous demand for this popular medicine for women.—Adv.

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