

LOCALS

By refunding to the state cash bonuses that may have been accepted by relatives of soldiers who died in the service, dependent widows, fathers or mothers of such service men may avail themselves of the loan privilege under the bonus and loan act, according to an opinion of Attorney General Van Winkle yesterday. The opinion is an interpretation of an amendment to the act made by the 1925 legislature.

Dance tonight Crystal Gardens, 166

Mrs. Fannie Widmar of Hubbard underwent a major operation at a local hospital this morning.

Wanted, young ladies for telephone operators. Experience required. Apply to chief operator, The Pac. Tel. & Tel. Co., Salem, 167

Mrs. Ora Gephart was brought to a local hospital for medical treatment Sunday. She is a resident of Dallas.

Wanted, loganberries for barrelling, highest cash price paid. Baker, Kelley & MacLaughlin, Inc., Phex bldg., phone 234, 166

Miss Mildred Baker, who was in an auto accident Saturday, was reported by hospital officials to be recovering rapidly today. She was staying at the West Side camp ground.

For rent, five room furnished cottage with garage, at Neokwin beach. Phone 3222, 166

Miss Margery Mellinger of 765 north Sumner street, was operated upon at one of the Salem hospitals today.

Gladiolus, cut flowers, floral pieces, Upjohn's, 564 S. Liberty, phone 1700.

Yvonne Piercy, 4 year old resident of Detroit, returned home today, after having been treated for a minor illness at a Salem hospital.

Phone 86, Hunt's Meat market. Free delivery 9 a. m., 3 p. m. 166

Walter Bak of Jordan, Or., returned home today. He was operated on at a local hospital a month ago, and has been staying at the hospital since that time.

Dr. Marshall, osteopath, Or bldg.

Mrs. Charles Brewer, wife of Dr. Brewer of Stayton, underwent a minor operation at a local hospital yesterday.

Want used furniture, phone 75.

Perry Wright, employe of a local automobile company, has undergone an operation at a hospital in Salem.

Dance Mellow Moon pavilion, West Salem, Wed. nite, 167

Mrs. F. B. Cronmiller of Lakeview, is visiting at the home of her son, Lynn E. Cronmiller, deputy state forester, 155 north 21st street. Other guests are Mr. Cronmiller's brother, Guy D. Cronmiller, editor of the Lake County Examiner, and Mrs. Cronmiller.

Wood, dry planer trimmings, Fred E. Wells, 166

Frank Neer of Salem has returned home after an extended trip east.

Yes, Fred M. Mills and his orchestra will be at Mellow Moon pavilion Wed. nite, 167

Fred Karr, head of the Salem Navigation company, went to Portland this morning on business having to do with the Northwestern, river steamer operated by the company between Salem and Portland.

What could be more enjoyable than dancing at Mellow Moon pavilion Wed. nite, 167

Sheriff Bower today was rounding up jurors to serve on a special venire of 15 to sit in department No. 1 of circuit court.

Dance every Tues. Crystal Gardens, 166

Harry Snyder and John Starr of Portland are held at the police station for investigation.

Wanted Mazard seedling cherries. Percy Bros., 237 State St., 167

The formality of electing Dr. Norman K. Tully, pastor of the First Presbyterian church of Ra-

Hotel Bligh Arrivals

Portland, Johnson S. Smith, R. H. Erwin, Mr. and Mrs. J. J. Derry, S. H. Ross, Mr. and Mrs. Lillian S. Houghen, P. J. Cutler, L. L. Bessie, Frank Ribout, W. F. Felner, A. Bellar, Frank Harrison, Melzer Leuchner, Ben J. Wilks, Fred O. Wagner, Edward J. Womple, Ray E. Barker, Eugene, Mr. and Mrs. E. H. White, Mr. and Mrs. Robert O. Wilson, Miss Hermoine Bradsy, Elizabeth, Joseph P. Deagbin, St. Paul, Robert J. Bianchette, Ray Pilleto, Roy Roberts, Baker, Mr. and Mrs. T. J. Rothick and children, Harry L. Nesmith, Grants Pass, A. H. Shortis, Ashland, Mr. and Mrs. Chris J. Meyers, Berkeley, Cal., Mr. and Mrs. A. L. Fowley and children, Paul H. Dission, Fresno, Mr. and Mrs. Charles M. Gilmore, Mr. and Mrs. Hugh MacLean, Los Angeles, Mr. and Mrs. E. C. Bettram, Mrs. H. G. Roberts, Mr. and Mrs. Orville D. Spencer, Leslie M. Cole, Long Beach, Arthur Evans, Mr. and Mrs. Arthur H. Jones, Stockton, Mr. and Mrs. C. H. Gray, San Francisco, Mr. and Mrs. I. N. Kaufman, J. E. Nall, Sidney V. Gault, Wellington, O. Mr. and Mrs. W. H. Cole, Cleveland, Mr. and Mrs. R. C. Perry, Philadelphia, Pa., Mr. and Mrs. Ralph D. Mowbray.

blee club for several years, and was prominent in dramatic work.

Penkling at Broadripple, free boat at foot of Court St. 166

A boy born early this morning to Mr. and Mrs. Harold Ekelstein has been named Harold, Jr. Mr. Ekelstein is a farmer living near Salem.

Kids 10c at Broadripple, 166

INJUNCTION ISSUED YEAR AGO DISSOLVED

(Continued from Page One.)

Loss of a particular rate or a class of rates. In such an inquiry, the Commission may have regard to the service done, its intrinsic value, or a comparison of it with other rates, and need not consider the total net return at all. —Dayton Goose Creek Ry. vs. U. S., 44 Sup. Ct. Rep. 109 at 173.

"The expert of the Commission differs in his attitude upon the questions involved with the Railroad company's experts, and, whatever might have been the weight and value this Court would have given to the conflicting testimony of these respective experts, if ours were an original jurisdiction, we believe the law to be that if there is any competent evidence touching the question to be solved as to the propriety or impropriety of a particular schedule of rates, upon which reasonable minds may differ, the action of the Commission thereupon must be affirmed by the Court.

"The feature of the order prescribing maximum joint rates upon a continuous mileage basis has been severely denounced by plaintiffs. The Commission's expert testifies that such rates maintain elsewhere. While this is disputed by the experts called by the railroad, this Court cannot convert itself into a rate making body; but, in spite of conflicting testimony, must give effect to the Orders of the Public Service Commission when such orders are supported by competent testimony.

"In passing, we cannot refrain from reminding counsel that violations of personal abuse, especially when applied to public officials who are apparently striving only to do their duty, do not meet the approval of this Court.

"In practice, if connecting carriers cannot agree between themselves upon a just participation in the receipts from joint continuous interstate traffic, the Commission is endowed with authority to adjust such matters. We do not feel that we should anticipate that plaintiffs are going to be so unreasonable in their dealings with each other as to fail to make provision with equity and fairness to all concerned. Such a disposition would mean that plaintiffs are not in Court with clean hands.

"During the oral argument, much stress was laid upon the alleged fact that maximum joint rates upon a continuous mileage basis are not usually applied to independent connecting carriers and never through a primary market. As stated, this is controverted by the Commission's expert; and, as in our opinion, it involves a determination in each instance of what constitutes a primary market, wherein the record is not at all convincing. We hold that plaintiffs have not overcome the presumption of regularity which attends the Commission's action in this regard.

"For these reasons, an order dissolving this cause and dissolving the temporary injunction herein has been entered."

CURRICULA BOARD FAILS TO ABOLISH DUPLICATED WORK

(Continued from page one)

offered in physical education by said Oregon Agricultural college. Journalism as a major course (University of Oregon, but Oregon Agricultural college may offer industrial journalism as a service course only to the regular courses of that institution to students majoring in other subjects.

The board of higher curricula recognizes the necessity of the department of household arts in the University of Oregon, and recommends the recognition of their present courses in household arts at that institution, as suggested in an outline submitted by the board.

Final decision of the work in the school of vocational education was deferred in view of a tentative agreement reached by both institutions.

Work in the school of basic arts and sciences at the college was deferred on the basis agreed to at the first hearing, the college agreeing not to permit major work in these departments and not to count more than 27 credits in each toward graduation excepting freshman English. It is understood this will entail no change in the college courses.

Died

STOCKWELL—Mrs. H. K. Stockwell died at a local hospital on July 13 at the age of 47 years. She is survived by her husband, Dr. H. K. Stockwell, a son, Donald, and the following brothers and sisters: Mrs. F. L. Dame, Portland, Ore.; Mrs. R. H. Stevenson, Danville, Quebec; Miss Sarah Gunn, New York City; Mrs. G. F. Roche, Yarmouth, Maine; W. J. Gunn, Boston, Mass. Brief funeral services were held at 3:30 this afternoon. The body will be shipped elsewhere for interment.

SIMONSON—Elmer A. Simonson

died at a local hospital July 14 at the age of 36 years. He is survived by his father and mother, Mr. and Mrs. H. J. Simonson of Bayview, Or., a brother Andrew and two sisters Mrs. Stephens and Miss Emma Simonson, all of Bayview, and a third sister Mrs. Thelma Bergmann of Lebanon. The body is at Webb's funeral parlors. Funeral announcement later.

Dayton Sidelights

Dayton, Tenn., July 14.—(A.P.)—An enterprising western city is seeking to make capital out of the Scopes evolution trial. At the council yesterday Attorney General Stewart received a telegram from a chamber of commerce secretary in a city beyond the Rockies suggesting that the state's prosecutor charge the site of the legal conflict over evolution from Dayton to "the gold spot of America."

The effulgent message said: "Our magnificent climate, incomparable scenery and a desert which has been turned into a garden of the gods will be such as to melt the soul of any lawyer, who admits nothing, deny everything and demand proof and (the climate presumably) will place evolution in the pipe dream class. * * * Our outdoor court room seats upward of 25,000 people. R. S. V. P."

At an early hour today the attorney general had not announced any plans for a change of venue.

Dayton was said in darkness for several hours last night as the result of a break in the town's water main. The municipal power plant is operated by water power and until the break could be repaired the scene of the Scopes trial was without lights. The local shops sold out their supplies of candles which flickered feebly along the chief thoroughfare in the wind, which had sprung up after the intense heat of the day.

The prosecution counsel included two McKenzies, two Hicks and two Bryans. Ben T. McKenzie is a former attorney general of this, the 15th judicial circuit and is one of the most widely known lawyers in eastern Tennessee. His son, J. Gordon McKenzie is the present judge of the Rhea county court. William Jennings Bryan Jr., is a Los Angeles attorney.

The "Hicks boys," local practitioners, are graduates of the University of Kentucky, of which the defendant is also an alumnus.

In the scramble for chairs the most comfortable persons in the court room. They are furnished the best chairs in the house. The 12 men who will decide the fate of John T. Scopes sit in swivel chairs that permit them to lean back. This type of chair is essential in the regular seating arrangements for Rhea county juries for normally the jury is seated between the witness and the judge. When testimony is being given the jury men face the witness with backs to the judge. When his honor delivers his charge they swing around facing the bench. Now, however, the witness stand is in front of the judge facing the jury.

Land Board Need Not Pay Interest Charge On Delinquent Taxes

Cook county must accept taxes without penalty, interest and costs on certain lands in that county on which the state land board holds mortgages, covering the years 1921, 1922 and 1923, according to an opinion of the supreme court today. The opinion, written by Chief Justice McBride, grants a writ of mandamus petitioned for by the land board in an original proceeding, and it holds as mandatory and discretionary with counties an act passed by the 1925 legislature authorizing the remission of the penalties, interest and costs on these delinquent taxes. The opinion also upholds the act as constitutional. The total amount of money represented in the case is not known, but it is of state-wide importance, applying to all counties where similar conditions exist.

In the case of the state fish commission as appellant and cross-appellants against Sidney S. Mohler and others as respondents and cross-appellants, the supreme court in an opinion by Justice Belt, affirms Judge Fred W. Wilson of the lower court for Hood River county in allowing the Mohlers \$7500 damages under the eminent domain act after the state had built fish ponds on certain lands on the land. The area of the land is 5.44 acres.

Other opinions today were: State of Oregon by state fish commission, appellant and cross respondent, vs. Sidney S. Mohler, et al, respondent and cross appellants and L. Holzman, respondent and cross respondent; appeal from Hood River county; action by the state to appropriate 5.44 acres of land for salmon fish culture purposes and right of way for road purposes. Opinion by Justice Belt, Judge Fred W. Wilson affirmed.

Lena Long, appellant, vs. Smith Hotel company; appeal from Multnomah county; suit to determine title to furnishings in Congress hotel, Portland. Opinion by Justice Brown. Judge George Tarzwell affirmed.

In the matter of Scappoose Drainage district, on appeal from report of commissioners assessing taxes and damages; appeal from Clatsop county. Opinion by Justice Brown. Judge James A. Eskin affirmed.

P. L. Sears, et al, appellants, vs. Orchard's Water company; appeal from Multnomah county; objection to cost bill of defendants based on opinion of May 25 affirming decree of lower court; objections overruled by the court.

Eugene P. White, et al, vs. Shualow Boom company, appellant; appeal from Lane county. Opinion by Justice Belt. Judge G. P. Shipworth affirmed.

Agnes Longe vs. St. Johns Lumber company, appellant; appeal from Multnomah county; suit for damages for personal injury. Opinion by Justice Burnett. Judge Walter H. Evans reversed.

In the matter of the determination of the relative rights to the waters of the Willamette river, a tributary of Multnomah river. Willamette river water users association, appellants, Emery Cole, et al, cross appellants, vs. Orchard's Water company, et al; appeal from Multnomah county. Opinion by Justice Coshov. Writ denied.

State of Oregon ex rel Jack Meanez, vs. Industrial Accident commission. Original proceeding in mandamus to require defendant to file judgment of original court for Clatsop county. Opinion by Justice Coshov. Writ denied.

ADDITION TO FIRE FIGHTING UNITS ASKED

(Continued from Page One)

be. Dancy believes that space may be rented at a nominal cost. "It may sound extravagant," said Dancy this morning, "but when you stop to figure it up it's economy. Two per cent of the loss sustained in that fire Sunday night would have been enough to pay for both of our new machines. Fire prevention equipment is one place where we can't afford to economize too much. With our present equipment, if a fire should start, say at Spaulding's, with a west wind blowing, damage might amount up into millions before the fire could be put out."

More Men Needed. Sunday night, when the Cherry City flour mill burned to the ground, a number of spectators who happened to be on hand joined the force and helped put part of the equipment into place. Dancy believes that the regular city force should be sufficient at all times to adequately handle the city equipment in any emergency.

The two new pumps would be machines that could pump water from any open pond or stream that happened to be handy, or in case the fire were in the east end of the city, at some other point where the pressure is low, the machines could be used to pump water through the mains. Investigation has shown that even when the stream from the paper mill pumps is added to the regular stream pumped into the mains by the water company, 100 pounds is the maximum pressure that can be attained at the point where the pumps are located, which means a considerable lower pressure at many points in the city. Sunday night water was pumped from the millrace by one of the city's machines, the race flowing past the burning mill.

The national board of underwriters, when they surveyed the city of Salem a year ago, urged very strongly, Dancy declares, that additional equipment be purchased with which to meet a fire emergency. The board also recommended that the force of the fire department be split into at least two sections, located in different parts of the city.

WARRANT NOT REQUIRED IN LIQUOR RAID

(Continued from page one)

operators of the plant. A habourton came, crapt into the trial yesterday afternoon when the search warrant was being served and defense counsel asked Deputy Sheriff Bremmer, who signed the search warrant and on the face of it was the author of it, to give a definition of the word "cartilage" which appeared in the warrant.

Bremmer was compelled to confess ignorance of the meaning of the word. It developed that Bremmer had submitted the facts to the district attorney who drew the warrant, using some legal verbiage which was over Bremmer's head.

"The next time, if there are any words in the search warrant or affidavit I sign that I don't know the meaning of, I am going to hit the dictionary," vowed Bremmer after he left the stand.

DARROW SAYS COURT PRAYER PREJUDICIAL

(Continued from Page One.)

Stewart. "It is." Judge Raulston broke in to say that the court did not want to be unreasonably to anyone, "but I believe I have the right. I am responsible for the conduct of the court. It has been my custom since I have been judge to have prayer in court. I think there is no reason why I should not follow this custom. So I will overrule the objection."

Exception. Explained Mr. Darrow, in making his exception, said that he understood from the court himself that he sometimes opened the court with prayer and sometimes did not.

"We took no position on the first day, but seeing this is persisted in every session, and the nature of this case being one where it is claimed by the state counsel that there is a conflict between science and religion above all other cases there should be no part taken outside of the evidence in this case and no attempt by means of prayer or in any manner influencing the deliberations and consideration of the jury of the facts in this case.

"For that reason we object to the opening of the services with prayer and I am going to ask the reporters to take down the prayer and make specific objections again to any such parts as we think are especially obnoxious to our case."

H. P. McKenzie suggested that the matter had been passed upon by the supreme court.

State's Position Stated. Attorney General A. T. Stewart followed with an announcement that he would place the state's position in the record.

"The state makes no contention," he said, "as to whether or not there is a conflict between science and religion insofar as the merits are concerned. It is a case involving the fact as to whether or not a school teacher has taught a doctrine prohibited by statute and we, for the state, think it is proper to open this court with prayer if the court sees fit to it and such an idea extended by the amicus counsel for the defense is foreign to the thoughts and ideas of the people who do not know anything about infidelity and care less."

Arthur G. Hays, noted an exception to the statement "agnostic counsel" which brought Dudley Field Malone to the floor that he respected his colleague's right to believe or not as long as he was as honest in his belief as the speaker was in his belief.

Speaking of prayers in court, Mr. Malone said:

Prejudice Involved. "They help to increase the atmosphere of hostility to our point of view which already exists in this community by widespread propaganda."

After the discussion had been in

BE CAREFUL

ACCIDENTS IN SALEM THIS YEAR THIS WEEK

532 10

7

Automobiles driven by I. N. Howe, 1155 D street and John F. Kerr of Portland collided at Fairgrounds road and North Capitol street.

A small boy named Ewing received a cut on his ankle and lacerations on head and arms when he was run over by an automobile driven by Gertrude Cherington, 412 North Liberty, at High and Center streets. The boy is said to have sun in front of the car. His injuries are not serious.

Cars driven by Archie Little of Brooks and S. H. Creasy of West Salem collided at Front and Ferry without much damage.

An automobile driven by Edwin Furrer, route 4, and a truck driven by G. V. Ingalls of Independence collided at Commercial and Cheneka.

Cars driven by Nick Pasco of Portland and Fred Vanderlohe of Los Angeles collided at Commercial and Court.

M. R. Best, route 2, reports a collision with H. L. Anderson on the Marion-Polk county bridge.

William L. O'Neill, 609 Gaines street, collided with an unidentified car at Highland and Fairground road.

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guidance myself when I am on the bench and off the bench. I see no reason why I should not continue to do that. It is not the purpose of this court to bias or prejudice the mind of any individual but to do right in all matters under investigation. Therefore I am pleased to overrule the objection of counsel and invite Dr. Stribling to open the court with prayer.

The minister's prayer occupied less than two minutes.

Judge Raulston told Mr. Darrow that he would have the record show his motion made and overruled every morning.

DEPENDABLE OPTICAL SERVICE

Court Defends Stand

"At times when there was a minister present and it was convenient to do an and other times when there was no minister present and no large assemblage of people I have always followed this custom but I think it is a matter wholly within the discretion of the court.

"I have instructed the ministers who have been invited to my courtroom to open the court with prayer to make no reference to the issues involved in this case. I see nothing that might influence the court or the jury as to the issues. I believe in prayer myself; I constantly invoke divine

At the THEATRES TODAY

OREGON Zane Grey's 'The Light of Western Stars' with Jack Holt—Billie Dove

GRAND Bebe Daniels in 'The Manicure Girl'

Dr. M. P. Mendelsohn 210-211 United States National Bank Building TELEPHONE 723

In addition to my experience of more than one-third of a century and practical knowledge of fitting glasses correctly I offer you dependable service and guarantee satisfaction in every respect.

I fit your eyes scientifically and do not misrepresent anything. My prices are very reasonable for the materials and services offered. I use nothing but the very best of materials.

I DO NOT BELONG TO ANY COMBINE AND THERE IS NO EXPERIMENTING ON YOUR EYES.

If glasses do not give satisfaction I change them for a whole year free of charge.

Telephone for an appointment, 723, so you will not have to wait.

Office Hours: 8:30 to 11:30 a. m. 1:00 to 5:00 p. m.

With the exception of two years that I was away this is my 18th year in Salem.

Dr. Scofield

Straight Palmer Chiropractor

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