

NAME LILLE PRISON WARDEN

RHINELANDER LOSES CASE AGAINST WIFE

Jury Finds Mulatto Bride Did Not Deceive Wealthy Husband—Decision Reserved.

White Plains, N. Y., Dec. 5.—(A. P.)—Leonard Kip Rhineland, wealthy member of a New York family, lost his annulment suit against his mulatto wife, Alice Beatrice Jones, in a verdict returned today by the jury which heard the case.

Answers favorable to Mrs. Rhineland were returned to all the questions except the first and the seventh. The first, that of whether Mrs. Rhineland was of colored blood at the time of the marriage had been decided as a fact by the defense during the trial. The jury made no answer to the seventh question.

No Deception Practiced.

The jury in its answer to the other five questions found that Mrs. Rhineland did not deceive her husband, either positively or negatively as to her negro blood; that she did not conceal this fact to induce the plaintiff to marry her, and that he would have married her even had he known she was of negro blood.

After he had received the jury's verdict, Justice Morschauer reserved decision.

The functions of the jury were limited to answering the seven questions propounded to it. Be-

VESTED RIGHTS FOR GROWERS IN FORESTS OPPOSED

Washington, Dec. 5.—(A. P.)—Opposition to conferring any "vested right" upon the present users of a western range was expressed in the statement today by the department of agriculture. It declared the policy upon which grazing fees are based should be settled by congress, and that a fair settlement of the differences existing between the stockmen and the forest service would be difficult.

The adjustment of grazing to the "primary purpose of forest reserves—that of forest production and watershed protection" was declared to be the essential of any administrative system; but Secretary Jardine was said in the statement to desire to stabilize use of the national ranges as far as consistent with public interests. He would have no objection to legislation giving grazing a more definite legal status in the national forests and confirming in broad terms the fundamental policies as the department is developing.

The creation of local grazing boards was advocated.

Fees for grazing on the national forests now average 12 cents per month for a cow and five cents a month for a sheep, and the department reports this figure as considerably above the commercial value of forage. If, as some stock men advocate, they were cut to a figure based merely on the cost of administration they would be about the third of the present rate.

GERMAN CABINET RESIGNS OFFICE

Berlin, Dec. 5.—The German cabinet, headed by Chancellor Luther resigned today.

The cabinet at a meeting this morning decided to step down in accordance with the chancellor's announcement prior to the Locarno pact signing ceremony.

It is expected that Dr. Luther will be asked to form a new ministry on a coalition basis, in sympathy with the aims of the Locarno pact and security program.

The present ministers will continue to conduct affairs until the new cabinet is completed.

GOOD EVENING WORDS and MUSIC By Stoddard King

THE FADING ZEST

"But age, with his stealing step,
Hath claved me in his clutch."
—First Gravedigger.

It can not be that southern soil
Has lost the peanut knock;
It can not be that goobers spoil
Before they reach the sack;
Surely the plant has not debased
Since last I was a kid—
How is it, then, that pennins taste
Less luscious than they did?

The pop with which I used to slake
Mid adolescent thirst,
Still tempts the public to partake,
Still freely is dispersed,
Bright are its colors as of yore,
As loud its foamy fizz,
Alas! I relish it no more—

The heekish bar, of somber hue,
Elastic, sweet and cheap—
Once I could eat a pound or two
Before I went to sleep.
They make them still; they look
The same;
And yet they leave me cold.
Nobody seems to be to blame—
Perhaps I'm growing old!

Ahorrid thought! That age should
cheat
My palate of the joys
That grew from things to drink
and eat.

When you and I were boys,
I would repeat if it were not
For one great-cheering truth:
The ruddy wiener, piping hot,
Still licks me with my youth!

In the last few weeks, says a dispatch, 20 breweries in Bohemia have suspended operations. The Bohemian life isn't what it used to be.

The extermination of mistletoe is one of the tasks that the department of agriculture has lately undertaken. No special public interest in the matter has been shown, it being many years since mistletoe served any useful purpose as an incentive to occupation. The kiss of today is self-starting.

If the department of agriculture wants to tackle another seasonal pest, it has our permission to put an embargo on "Xmas."

Nederland, Colo., Dec. 5.—(AP)—The toll of dead in the fire and cave-in yesterday at the Fairview company's silver, gold and lead mine near here remained today at two, with a third man lingering at death's door.

Prentice Norris, one of the volunteer rescue workers, was lying in a Boulder hospital in a "serious condition" doctors declared. Norris was overcome by fumes after he led the second rescue party into the mine and succeeded in bringing out the miners left behind after the first rescue party was forced to retire because of the gases.

Three other men—two members of the rescue parties and one miner—were in Boulder hospitals and "doing nicely" internes reported.

The two dead men are Robert Stephenson, a miner and Charles Herquist, a rescuer.

All of the miners except one in the Boulder hospital had returned to their homes, apparently little the worse from their experience.

TOLL OF DEAD IN MINE CAVE IN POSSIBLY THREE

This provision provides that it shall be unlawful for the driver of any motor vehicle to carry in the front seat of a motor vehicle with the driver. The latter provision is causing some difficulty relative to the age limit. Mayor Giery and some members of the council are doubtful if the age of 12, mentioned in the bill, is young enough.

Persons violating any of the provisions of the ordinance would, upon conviction in the county court, be punished by a fine not exceeding \$200, or by imprisonment in the city jail not more than 30 days or by both such fine and imprisonment.

Washington, Dec. 5.—(A. P.)—The situation in Syria has so improved that the American government has ordered the withdrawal of the two destroyers sent to Beirut to protect American interests.

Nazimova Confesses To Shattered Romance With Her Leading Man

Hartford, Conn., Dec. 5.—(AP)—The Hartford Courant says today that Alla Nazimova, tragedienne, has disclosed that although she and Charles Bryant, formerly her leading man, lived together for fourteen years as man and wife, they never married.

The admission of a shattered romance apparently has been made to save the man she loves from possible prosecution for perjury and bigamy.

Nazimova obtained a divorce abroad from a Russian, whom she left years ago. Bryant was married in New Bedford, Conn., last month to Miss Marjorie Gilhooly of Elizabeth, N. J.

In applying for a license he averred he had never been married. Later, when it seemed he might face arrest because it was thought he had been married to Nazimova, Bryant insisted that

SIX STREETS TO BE MAIN TRAFFIC LINES

Portland, Fairgrounds, Capitol, Court, State And Commercial To Get Rights Of Way.

An ordinance will be introduced at the city council meeting Monday night to make through streets of six of the main traffic arteries in Salem and requiring all vehicles to come to a full stop before entering those streets from intersecting streets.

The thoroughfares which the bill proposes to make through streets are:

Portland road, from the north city limits to Highland avenue.

Fairgrounds road, from Highland avenue to Capitol street.

Capitol street, from Fairgrounds road to Court street.

Court street, from Capitol street to Church street.

State street, from Church street to the east line of 25th street, if extended.

Commercial street, from State street to the south city limits.

The ordinance provides not only that all vehicles approaching from intersecting streets shall come to a full stop, but also all vehicles approaching from alleys, private roadways or any other kind of approaches.

The streets declared to be through streets shall be marked at each intersection by a pole five feet long above the surface of the street on the side of the through street and the side of the intersecting street. The poles shall be painted black and yellow in stripes and the word "Stop" shall be placed on a yellow disc which shall be placed on the poles.

Two other important traffic provisions are provided in the ordinance bill. One would prohibit turning vehicles except at intersections within the fire limits of the city, and the other would limit the number of persons permitted to ride in the front seat of a motor vehicle with the driver. The latter provision is causing some difficulty relative to the age limit. Mayor Giery and some members of the council are doubtful if the age of 12, mentioned in the bill, is young enough.

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Pending determination in the state supreme court of the case of W. A. Barrett and J. J. Barrett of Albany, against the Union Bridge company, the state highway commission will be unable to complete construction of the Albany approach to the new bridge over the Willamette river at that place. To guard against tragedy that might befall users of the old bridge, the commission has ordered the new bridge to traffic by making the approach usable with temporary construction work.

On April 13, this year, Judge L. H. McMahan of the circuit court for Linn county signed a decree enjoining the Union Bridge company, holders of the contract of the state highway commission from building the approach in Ellsworth street. The Union Bridge company appealed to the supreme court and continued with the construction of the bridge except the Albany approach.

On December 1 the commission although it was not a party to the suit, received a demand from the attorney for the Barretts, that it tear out the approach, which would prevent the use of the bridge. However, the commission is continuing to use the bridge.

The Barretts contend that the approach will damage their property abutting on Ellsworth street, and should they win in the supreme court a suit for money settlement will doubtless be instituted.

The city of Albany voted bonds in the sum of \$25,000 and Linn county in the sum of \$112,500 for construction of the bridge, and no protest at that time was made by the plaintiffs.

ALBANY BRIDGE CONSTRUCTION AGAIN HALTED

Verden Moffitt
Near Death From
Crashing Into Train

Los Angeles, Cal., Dec. 5.—(A. P.)—Verden Moffitt, county motorcycle officer, former police chief at Salem, Ore., and member of the federal prohibition forces in Oregon, was near death this morning in Memorial hospital, Whittier, Cal., suffering from injuries received when he crashed into a train at a railroad crossing at Norwalk while chasing a speeder. The officer crossed the track in front of the train. Moffitt, unable to stop his motorcycle crashed into the train.

THREE BLIGHTED ROMANCES Aired IN DIVORCE SUITS

Three more blighted romances are evidenced by three new divorce complaints filed in circuit court. One of these is to terminate a wedded existence started in 1888, disrupted by one divorce and reunited in 1907. In this case, the complainant avers, H. L. Staples and Ella T. Staples were married 34 years ago at St. Cloud, Minn., divorced, and married at Spokane again in 1907. In August, 1923, he states, she deserted him and has been living apart from him ever since. Five children were born to the marriage, of whom the complainant, the wife, is a widow.

G. W. Philbrick is another husband seeking separation from his wife, Mary E. Philbrick. In his case he charges she treated him cruelly and inhumanly.

He declares that when they were living near Santa Rosa, Cal., on a farm, she permitted her son, who had gained much notoriety as a prize fighter, to assume management of the place. He says the man was a son by a former marriage. He declares that the son abused him and threatened him with bodily harm, and that they forced him to leave the house and make his abode in a blacksmith shop on the place. In 1910, he avers, the situation became so unbearable, he settled up the property rights and left. They were married at Oakland, Cal., in 1908.

Inez Nye asks a divorce from Merle M. Nye, charging that he deserted her in an October, 1924. There is one child. They were married at Kalama, Wash., in September, 1920. She asks for \$150 to cover attorney's fee and costs.

HANEY LIKELY TO HOLD JOB SOME TIME

Democrats File Protest Over Selection of Dana As They Were Not Consulted About It.

Washington, Dec. 5.—(A. P.)—Possibility that Bert E. Haney may continue for some time to serve as a shipping board commissioner despite the intention of President Coolidge not to reappoint him for the post, was indicated today after Senator McNary, republican, Oregon, had discussed the prospective vacancy with the president.

Senator McNary recommended two Oregon men for Haney's place on the board—Frank L. Shull, republican, of Portland and Marshall N. Dana, democrat, of the same city.

An unexpected development in the situation, which may serve to block Dana's selection, was a protest made today against his choice by W. R. King, democratic national committee man from Oregon, and C. J. Smith, chairman of the democratic state central committee, who said they had not been consulted about his appointment.

McNary, conceding that he had not discussed the situation with

FIGHTING BILL SMITH REVISITS FORMER HAUNTS

"Fighting Bill" Smith, for years notorious character of the Silverton country, who served one term in the penitentiary, and came near to another one last year when Circuit Judge Kelly sentenced him to five years for felonious assault and paroled him on condition that he remain out of the county, invaded his old haunts recently and stirred up considerable trouble, according to information received from there. The word is that he is now back in Portland where he has been holding out since the conditions of his parole were imposed. The parole provided he was to stay away from the county during the entire five year period of his sentence.

According to information received here "Fighting Bill" caused much concern on his recent visit back to his old haunts, among other things he being charged he drew a gun on one citizen.

It is understood Smith was given permission to go back for one day to straighten up some business, but overstayed his permission, however, hunting back to Portland when the situation became too interesting.

According to Silvertonians, "Fighting Bill" earned his sobriquet honestly and kept a district above Silverton terrorized for years. He served a term in prison for an assault, and the last time when he appeared it was stated he was up with much vigor and satisfactory results to "Fighting Bill."

It is not known whether action will be taken toward revocation of his parole because of his latest escapade.

SALEM PLAYING MEDFORD TODAY

Medford, Ore., Dec. 5.—The Salem and Medford high school football teams are ready for their inter-sectional clash this afternoon to decide the championship of western Oregon. The Salem team held a light signal practice and worked out this morning on Van Scoyoc field. The average weight, according to school officials, of the Salem team is 165, Medford 155. An estimated crowd of 5000 is expected to witness the game.

Clear and cold weather and a fast field are predicted for the game.

Oil Flow Traced To Auto Wreck Rickreall Road

Rickreall, Ore., Dec. 5.—The oil bubble which started here Thursday with the discovery of oil seeping from the drain pipe on the George Waite farm was believed to have burst today when investigation indicated that the oil entered the pipe at its opening on the highway, some 100 rods from the place where the oil was discovered. A Capital Journal correspondent, sent to the scene of the oil flurry today, and accompanied by H. C. Rankin, Dallas abstract man, today found traces of gasoline, spilled at the time of an auto accident on Nov. 14, on the highway at the opening of the drain. Further investigation bore out the theory that the oil found at the mouth of the pipe was gasoline spilled when the gas tank of the auto had burst. The oil has a clarity seldom found in oil as it originally comes out of the ground. It burns readily, and giving off a black smoke, and generally resembling kerosene, which

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When the oil was discovered it created the greatest flurry that this community has experienced in recent years. Two Grants Pass men, hearing of the "discovery" drove all night to get on the scene and obtain samples of the oil. They became highly enthusiastic about the "find." Another individual who had had some experience in oil fields, arriving on the scene, declared that it reminded him very much of a "second strike in Pennsylvania years ago, the oil here being of about the same richness.

The scene of the activity is a half mile south of the Nesmith station. Interest in oil has been maintained in this neighborhood for several years, some natural gas having been actually found, and several attempts having been made to get oil by putting down wells.

Stanfield to
Father Bill to
Give State Lands

Chicago, Dec. 5.—(A. P.)—Senator Robert Nelson Stanfield, republican, of Oregon, chairman of the senate public lands committee, announced here today that at the coming session of congress he would introduce a bill providing for turning over the full proceeds from utilization of public lands to the various states in which government reserved property lies.

He also will urge enactment of a law giving rights to basic industries that now are dependent upon utilization of such resources, such as the livestock men, who now graze cattle upon the public lands only by permit of the bureau of forestry.

Development of the eleven western states in which the government owns public lands and 136,000,000 acres of reserved territory aside from national parks, game preserves, national monuments and mineral and Indian reservation, is throttled largely by reason of removal from the state tax lists of those lands, Senator Stanfield said.

The public lands aggregate 30 per cent of the total area of the eleven western states and in some of these the appraised value of the land which is exempt from state taxation is one-fourth the total taxable value of the state.

STANFIELD TO FATHER BILL TO GIVE STATE LANDS

Lassen Peak Erupting

Sacramento, Cal., Dec. 5.—(A. P.)—A special dispatch to The Bee says that an eruption of Lassen peak commenced at 7 a. m. today, a great volume of smoke rolling out and drifting southward. It was continuing at 8 o'clock. Eruptions of smoke also occurred yesterday.

BRITISH STEAMER SINKS IN COLLISION ON SCHELDT

London, Dec. 5.—(A. P.)—The British steamer Ashton sank today after a collision with the United States shipping board steamer Federal in the Scheldt river. The Ashton was down within a few minutes with the loss of the captain, pilot and three members of the crew.

Love for Wild Horses Causes Cowboy To Dynamite Packers

Rockford, Ill., Dec. 5.—(A. P.)—The affections of a Montana cowboy for the semi-wild horses of his native ranges may cost him his life.

Frank Little, Miles City, Mont., cowboy, learning that horses raised on a ranch where he was working were being shipped to Rockford for slaughter at a horse meat packing plant, came here with the intention of dynamiting the plant, and was seriously wounded in the attempt.

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CHIEF DEPUTY PROMOTED TO WARDENSHIP

Former Gilliam Sheriff, Known as Strict Disciplinarian Succeeds Dalrymple At Prison.

J. W. Lille was today appointed by Governor Pierce as warden of the state penitentiary to succeed A. M. Dalrymple. The change is effective at once.

Lille has been deputy warden of the prison, a position which he held prior to that served as deputy under Johnson Smith, beginning his duties as deputy June 1, 1923. Dalrymple has been warden since October 8, 1922.

Immediately upon his appointment today Lille announced the appointment of Captain W. E. Golden, turnkey at the prison, as his deputy.

Dalrymple returned only last night from a month's trip to Jackson, Miss., where he attended a national prison conference, and a visit to the Wisconsin reformatory at Green Bay and the Missouri penitentiary at Parkham. His resignation, which was announced immediately after the conference with the governor early this morning, is considered a result of the prison break of August 12, in which two guards were killed, and subsequent publicity of an unfavorable nature relative to his administration of prison affairs.

That Dalrymple resigned at the request of the governor is unquestioned here, and why the change was made immediately after Dalrymple had been sent on a long quest for prison information in the south is causing considerable quandary.

Prior to being appointed warden, Dalrymple was commissary at the prison, a position which he also held about 20 years ago. He has been active in democratic politics in Oregon for years and under the Wilson administration was connected with the internal revenue service.

Mr. Lille, the new warden, was (Continued on Page Seven)

30 DAYS JAIL ADDED TO FINE OF BOOTLEGGERS

Circuit Judge L. H. McMahan this morning vacated his former order of sentence for John Andrews, Lester Dickson and Henry Johnson, Mt. Angel moonshiners, in which he imposed a fine on each of the men and entered a new sentence, imposing the same fines as in the original order, but also adding 30 days in jail apiece to the sentences. John Andrews and Lester Dickson are fined \$500 each, and Johnson a \$250 fine, the latter fine being imposed because of the defendant's age.

Notice of appeal immediately was filed by Judge W. N. Gatens of Portland, one of the attorneys for the three men, and bonds posted for each.

"Mr. Critchlow, the other attorney in the case, is ill and was unable to be here," stated Judge Gatens. "Consequently notice of appeal will be filed for the time being until we can ascertain just what we wish to do."

Judge Gatens has intimated that if the other case pending against the men is dropped, it is possible the notice of appeal may be withdrawn, although he said nothing in regard thereto in the courtroom. The men are still waiting the outcome of appeal from a case in justice court, involving the same facts, sentences of six months in jail and \$500 fine for each having been imposed in those sentences. He is vacating his former order, and imposing the new sentences. Judge McMahan stated that in imposing the original sentence neither he nor the district attorney had noted the provision in the law making a jail sentence mandatory in cases of this character.

"It was simply overlooked," he stated.

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