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JUDGE CALKINS WILL NOT ISSUE AN INJUNCTION

DECLINES TO STOP RECALL ELECTION ON GROUNDS OF INEXPEDIENCY

In His Opinion Denying the Application He Points Out That Both Sides Have Their Remedy at Law, Without Restraining Order.

JACKSONVILLE, July 27.—The arguments against granting the application for an injunction restraining the holding of the recall election, were heard yesterday afternoon by Judge Calkins in the circuit court—pretty nearly all the afternoon being taken up by John J. Jeffries, the Portland attorney representing the sponsors of the petition. Judge Calkins who went to Grants Pass yesterday evening, this morning filed his decision with the county clerk, in which he denies the injunction sought. His opinion follows:

MEMORANDUM

There are several reasons set out in the complaint why the election should not be stayed; that an organization has conspired and by fraudulent representation secured the signatures of a number of persons to the recall petition; that the recall petition states no valid reason for a recall; that sufficient electors qualified to do so had not signed the recall petition; that certain persons who signed the petition had applied to the clerk to have their names stricken from the petition, and the clerk had failed to comply; that the clerk had failed to notify the sheriff of the filing of the petition; that an election will incur indebtedness in excess of the constitutional limitation.

The defendants have each filed answers, the clerk denying some allegations, admitting others, and pleading affirmatively; the other defendants merely denying all of the allegations of the complaint.

The situation presents itself in these circumstances where the court is called upon to decide the issues in the case in granting the motion. If it is true that the organization did conspire and did fraudulently procure signatures to the recall petition, then if this is a vital factor to holding the election, the election if held will be void. If the recall petition is insufficient in not stating grounds, then I think it is conceded by both sides that the election if held will be void. If the petition as filed did not contain the requisite number of signatures of persons qualified to sign a recall petition, then the election if held will be void. If the clerk wrongfully refused to strike certain names from the petition, and that failure is a vital factor to the recall election, then the election if held will be void. If the expense incurred in holding the recall election exceeds the constitutional limitation, I think we may rely upon the county court refusing to audit the bills; and besides all the expense except the per diem of the judges and clerks of election has now been incurred. If the county court fails to do its duty in auditing, any taxpayer aggrieved has a well-known remedy.

On the other hand, if the motion is denied, and the plaintiffs are right in their contention, the courts will declare the election void in a proper proceeding. Plaintiff Terrill will then only be injured in his feelings, and if all counsel says about the methods employed to bring about his downfall are true, most of the damage has already been done. Plaintiff Daley will not be injured in any way if plaintiff's contention is correct, for any expense connected with the holding of the election will be no legal claim against the county treasury.

On the other hand, if the signers of the recall petition are right in their contention, and the court stays the election, a valuable right will be taken from them, that of expressing their will at the polls, probably the most valuable right under our form of government. It is stated that if the election is stayed, it may be held at a later date if plaintiffs fail in this suit, and Plaintiff Terrill will agree not to raise any question as to the legality of such later election. But who is to fix the date for holding such an election? The county clerk cannot, for he must fix the date at not more than 20 days after the filing of the petition; the court has no such authority; and admitting that Terrill would not object, it would seem that every taxpayer in the county so disposed could do so, and plaintiffs virtually concede that by making Daley a plaintiff.

As I interpret the case of Cooney vs. Keady, 81 Or. 224, this case fails completely within its provision—that the court ought to weigh the relative convenience and inconvenience to the respective parties by the granting or refusal to grant the restraining order. And in this case, if plaintiffs are right, they merely suffer the humiliation of a recall if the election goes against him, while

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HUNTER SLAYS COYOTE THAT RAIDED LIVESTOCK

CORVALLIS, Or., July 27.—A coyote that had killed \$500 worth of sheep this year was shot by A. W. Hawley, of Alpine, who had hunted the slayer since January. The coyote had killed 60 lambs and 12 sheep belonging to Hawley. A \$40 reward had been offered for his hide.

ROCKEFELLER FOUNDATION FOR JACKSON COUNTY

At a meeting of the county court in Jacksonville Wednesday, July 26, the county commissioners voted the necessary appropriation to secure the Rockefeller Foundation unit for Jackson county. Delegations from Ashland, Medford, Phoenix and Central Point, each delegate representing a large group of people, urged that this appropriation be made. The increase in taxes due to this extra burden in the budget was estimated at one-twentieth of a mill.

From Ashland, Mrs. Galey represented the school board, Mrs. Engle the Parent-Teachers association, Mrs. Fuller the Civic club, and Miss Chamberlain the chamber of commerce. A petition was sent from the Jackson County Medical association, and another from the committee appointed by the local chamber of commerce.

Mrs. Perozzi commended the splendid work done by Miss Faldine and the necessity for another nurse, which would mean the expenditure of at least \$1800. Miss Palmer, Mrs. Pell and Mrs. Tilton were also present and wholly in accord with the unit plan.

Mrs. Noblitt, temporary head of the Red Cross in Medford made a forceful plea for the establishing of the unit in Jackson county. Her own work gives proof of the pressing need for such a program of work as Dr. Covington outlined in his talk to the commissioners a week ago. Mr. Frobach dwelt upon the advantages of securing \$10,000 for the extra expenditure of less than \$1500 by the court. Dr. Malmgren from Phoenix was another enthusiastic supporter of the proposed measure, as was Miss Carlton, of Central Point.

Coos county was the first to accept the offer extended to five counties in Oregon, whereby two full-time nurses, a full-time physician and a laboratory assistant will be engaged to carry on an extensive health program.

Jackson county is to be congratulated on having county commissioners whose vision is great enough to see into the future and to realize the growth and needs of new times and new people.

INSANE KILLER GIVES UP AFTER TEN DAY SIEGE

CHARLESTON, W. Va., July 27.—After having withstood a ten day siege while barricaded in his home at Hinton, during which period he killed one man and wounded four, including his father, John Fredking, paroled some time ago from the state insane asylum, surrendered today to the state police.

His early capture was prevented by a refusal of the justice of the peace to issue a warrant charging him with felony and a warning by that court that anyone killing him would be charged with murder.

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Eloped With 18-year Old Girl Minister Gets Prison Sentence



From left to right (top) are shown Esther Hughes, the "the other woman", the Spring Valley church and Rev. W. W. Culp, who occupied the pulpit. The bottom picture, left to right, show the nine Culp children—Florence, 14; Gladys, 12; Clarence, 11; Harley, 10; Beulah, 8; Bertha, 7, and Violet, 3. Mrs. Culp is shown at right holding her twins, Beryl and Pearl, six months old.

DAYTON, O., July 27.—Fate in the person of 12 jurors of his peers have decided that Rev. Walter Culp, pastor of the Methodist church in Spring Valley, must serve one year in prison for deserting his wife and children and running away with 18-

year-old Esther Hughes. The minister, who was taken into custody in Michigan and returned here for trial, was defiant even after his arrest. He loved only Esther Hughes, he declared to officers, and could not again live with his wife. Amazingly the girl clung ten-

ciously to Culp, declaring that it was "the will of the Lord," that they should go on together. She declared, following the arrest of the couple, that the minister's wife had helped her pack her bag and told them good-bye when they departed from Spring Valley.

40 PASSENGERS ARE RESCUED STEAMER SINKS

CALLISTA RAMMED BY ORIENTAL LINER IN PALL OF SMOKE

All Passengers Were Rescued From Steamer Before She Went Down, and Hawaii Maru Brings Them Back to Seattle.

SEATTLE, July 27.—Forty passengers of the Puget Sound steamer Callista had a narrow escape from death at noon today, when the oriental liner Hawaii Maru rammied and sank the small vessel off West Point, 10 miles north of here.

The pall of smoke from the forest fires in this vicinity has been responsible in the past two weeks for grounding three vessels, the smoke obscuring approaching vessels.

The Hawaii Maru, which was bound for Victoria and Japan, picked up the passengers and crew of the sinking ship without mishap, and proceeded back to Seattle.

Reedport—Jetty construction to commence soon.

COUGARS KILLING MANY CATTLE IN NEHALEM VALLEY

ASTORIA, Or., July 27.—Cattle killing cougars are reaping a ghastly toll among the herds of the upper Nehalem valley and the ranchers are so alarmed in one region that they are keeping their children indoors. The cougars are unusually bold, in one instance killing a calf within 100 feet of a ranch house door and in several other instances striking down their victims close to barns and buildings.

SIDE OF JAIL BLOWN OUT. POLITICAL PRISONERS FLEE. LONDON, July 27.—A hundred and five republican political prisoners escaped from the Dundalk jail when the side of the building was blown out by a mine, according to a Dublin dispatch.

BASEBALL RESULTS TODAY

National League
At New York 12; St. Louis 7.
At Philadelphia 6; Cincinnati 5.
At Boston 8; Chicago 7.
American League
At Cleveland 2; Philadelphia 11.
At Chicago 4; Boston 3.
At Detroit 1; Washington 9.
Pacific Coast League
(Yesterday's Games)
At Portland 5; Seattle 8.
At Vernon 11; San Francisco 5.
At Salt Lake 4; Sacramento 3.
At Oakland 12; Los Angeles 5.

TEACHERS NAMED BY SUPT. BRISCOE FOR SCHOOL YEAR

Superintendent G. A. Briscoe has completed his list of teachers for the coming year, including the principals for the three buildings. Prof. Wilson, who has been principal of the Junior high school for the last several years, resigned at the end of the last school year, and his place has been filled by Miss Florence Allen, who has been a teacher in the local school for several years.

Several changes were made in the teaching corps, necessitated by Cupid's dart having hit home in several cases, and other where the teachers desired to change location.

Following is a complete list of the selections as made by Superintendent Briscoe:

Principals—B. C. Forsythe, Ila M. Myers, Florence Allen.
High School—Walter Hughes, Callie Vogel, Evangeline Poley, Minnie Poley, Leota Rogers, Geraldine Ruch, Marie Ridings, Grace Hawkyard, Phila E. Hall, Alice D. Heyes, Leona Marsters, Amy Stifle, Mabel Bay.

Junior High School—Ethel Reid, Sue Thimm, Caribel Morehouse, Elsie Howell, Winifred Spencer, Dorothea Abrahams, Leonilla Smith.

Grades—Edythe Stevenson, Buenna Temple, Mildred Millon, Sarah Williamson, Emma Kelting, Ruth Pearl Davis, Vera Zinn, Vera Mannel, Mabel M. Eby, Ella Lischevsky, Edna Kennedy, Verie McCredie, Hazel Bruner, Lysle Gregory, Isabella Wattenbarger.

Astoria—Long Bell Lumber company planning to build big mill soon.

Cottage Grove—New pavement near here now ready for use.

RAILROAD STRIKE MAY BE ENDED OVER SUNDAY

STRONG HOPES ENTERTAINED OF CONFERENCES NOW ON AT WHITE HOUSE

Shop Craft Workers Are in Consultation with the President and Hope Is Entertained That Outcome Will Call Off Strike.

WASHINGTON, July 27.—Definite progress toward establishing a truce in the national strike which is slowly strangling the industry and commerce of the nation, was made here today in a series of conferences at the White House which brought before President Harding all parties directly concerned in the controversy.

Peace in the railroad strike actually appeared in sight this afternoon when the leaders of the striking shop craft workers resumed their conference with President Harding, which was begun this morning.

So favorably did officials regard the situation that predictions are made that the men will be back at work on most of the roads by Monday.

PIONEER DIES WHO CLEARED BRUSH FOR SITE OF PORTLAND

SOUTH BEND, Wash., July 27.—One of the distinctive characters of the old Northwest is being buried here today in the person of Judge John Nathan Skidmore, who died at the age of 89 years.

He came from Kentucky to Oregon 69 years ago, and helped clear the forest from the present site of Portland. In the Indian uprising of 1855, Mr. Skidmore joined the Oregon mounted volunteers and engaged in a number of battles during the warfare. It was in 1871 that he settled in this county to make it his home for 51 years.

Try the classified columns.

NO "SPECIAL" LETTERS AFTER 11 AT NIGHT

WASHINGTON, July 27.—Special delivery letters will not be sent out from any post office in the country after 11 o'clock at night, under new postal regulations. Such letters not delivered prior to that hour will be "delivered as soon as possible" the next morning.

ATTACK LAUNCHED ON K. K. K. AT THE TERRILL MEETING

In the neighborhood of three hundred people gathered in the Armory last night to hear the Terrill side of the controversy which has split the county from end to end. When the meeting was called to order there was assembled on the stage a number of the staunch supporters of the sheriff, among them Attorney E. D. Briggs, of Ashland, who presided and introduced the speakers, interjecting between the introductions, comments which left no doubt as to where he stood on the recall.

These speakers included Judge William M. Colvig, who bitterly denounced the Ku Klux Klan as being the instigators of the recall in order to get control of the law enforcement offices of the county, incidentally using the ministerial association and the W. C. T. U. to attain their ends. He pointed out that over a million and a quarter dollars had passed through the sheriff's hands during the past year, and the manner in which he had handled the county funds called for the commendation of the auditor, himself a member of the Ku Klux Klan. He declared that in the enforcement of the Volstead act Sheriff Terrill had arrested more bootleggers than any sheriff the county had ever had.

Colonel Gordon Voorhis confined his remarks mainly to an attack on the Klan, which he declared was an un-American institution, whose organizers were actuated by no higher principle than graft and in carrying out their ends had spread venom, hatred and dissension throughout the valley, where heretofore only manly good fellowship had prevailed.

Peter J. Neff made a forceful speech in which he declared that, politically, he had opposed the sheriff, being a democrat, but that he had almost daily dealings with him since his election, and had found him a thoroughly efficient officer. He scored the K. K. K., taking the same ground as the other speakers.

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ESPEE EARNINGS SHOW A GAIN OVER LAST YEAR

PORTLAND, July 27.—The net railway operating income of the Southern Pacific company as shown in the report of earnings and expenses for the month of June, made public yesterday, continues to show a gain over last year.

The net railway operating income for June, 1922, shows an increase of \$1,813,984.64 over that of June, 1921. The net railway operating income for May, 1922, was \$1,893,839.22 more than that of May, 1921. The railway operating revenue "gross" for June, 1922, was \$22,897,098.65, a decrease of one percent from the gross revenues of June 1921, but by efficiency and economy measures the railway operating expenses were reduced, which accounts for the increase in the net railway operating income, which is obtained after deducting the railway tax accruals, uncollectible railway revenues, equipments, rents, etc., from the net revenue from railway operations.

The net railway operating income is the amount available for the payment of interest on bonds and other fixed charges, and for dividends. The operating ratio, which is the barometer of railroad efficiency and good management, was 69.71 for June, 1922, as compared with 78.66 for June, 1921. A very satisfactory showing.

GRAND JURY IS STILL PROBING IN HALE CASE

WILL PROBABLY DELVE INTO HENRY JOHNSON AFFAIR NEXT

Scores of Witnesses Are Yet to Be Examined and Sessions of Jury Will Not Be Concluded Until Next Week.

MEDFORD, July 27.—It was thought that the investigations of the grand jury in the Hale case would be concluded today, and that immediately thereafter, the jury will delve into the Henry Johnson affair. Johnson is a resident of Jacksonville, and his case is said to have more ramifications than the present one, its inception being novel and unique, and somewhat comic if taken in a less serious light.

It is also rumored that the grand jury, before its sessions are concluded will probe a closely guarded local happening, of which little has been divulged.

Two witnesses who were called yesterday formerly were members of the Ku Klux Klan. They were James E. Edmiston and Raymon Reter, and it is said they told the grand jury of what they saw and heard at "klonklaves"; they attended. Edmiston on the stand for a long time.

Other witnesses who testified yesterday were W. H. Gore, president of the Medford National bank; John S. Orth, cashier of the institution, and Walter S. Gore. The nature of their testimony was not known, but it was said to be in connection with an alleged threat carried by word of mouth.

Other witnesses examined were H. E. Griffiths, klan leader of the local klan realm, and his associate with the same official title, John J. Hoogstraet.

ENGLAND IS RECEPTIVE MOOD TOWARD RUSSIA

LONDON, July 27.—"In the event of a satisfactory reply being received from Russia on the Hague proposal, the British government will aid in trade negotiations with Russia," Lloyd George declared in an address before the house of commons today.

"Although Great Britain is not responsible for the condition of the Russian people, she is unwilling to see them the victims of the junkers, who by a coup d'etat are now ruling by the sword," he added.

SWEEPING CUT MADE IN TARIFF ON SILKS

WASHINGTON, July 27.—Confronted by continued opposition to the tariff bill, republican members of the senate finance committee once more made sweeping changes in some of its more important provisions in an avowed effort to expedite final consideration.

The silk tariff has been rewritten so as to eliminate five pages of duties on silk products; to substitute a blanket ad valorem rate of 55 per cent on woven fabrics composed wholly or in-chief of silk, but not especially provided for.

BENNY LEONARD BATTLES WITH TENDLER TONIGHT

JERSEY CITY, N. J., July 27.—The crisis of his career will be faced by Benny Leonard in the arena here tonight when he crawls through the ropes to defend the ownership of his crown against the hard-hitting, aggressive Mr. Lew Tendler.

Tendler, the younger of the two maulers by three years, is looked upon as the logical successor to the throne of lightweightdom. Without doubt he is the toughest opponent now seeking to have Leonard abdicate from his chardom over the division.

DREAM OF 50 YEARS COMES TRUE WHEN R. R. ENTERS

VERNONIA, Or., July 27.—The railroad has come to Vernonia! A dream of nearly 50 years, dating back to the days when the first hunters and trappers invaded this erstwhile secluded district of Columbia county, is just realized as the steel for the Portland, Astoria & Pacific railroad is being laid within the city limits.