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# ASHLAND DAILY TIDINGS

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VOL. XLVIII

Successor to the Semi-Weekly Tidings, Volume 43

ASHLAND, OREGON, FRIDAY, JANUARY 30, 1925

NO. 127

## SPECIAL ELECTION CALLED FOR FEBRUARY 17

### Split In Church Affairs Results In Legal Action In County Court

#### RESOLUTION PASSED BY COUNCIL BY THEIR UNANIMOUS APPROVAL

Chief of Police McNabb and Street Commissioner Merrill Re-appointed to Offices by Mayor Johnson, Council Approves Action. Briggs Is Again City Attorney, While W. H. Gowdy Is Appointed Police Judge. Other Business Is Transacted.

Tuesday, February 17, was the date set last night by the city council for the special bond election to decide upon the issuance of bonds for the purchase of the Chautauqua building and site and the seventeen acre McCormick tract, to be used as an addition to Lithia Park.

The resolution calling for the election was passed unanimously by the six members of the council, although just before the calling of the vote on the proposition, it appeared as though some of the members of the council were opposed to the measure, and would vote against it. The issue in question was the wording in the resolution, which some of the councilmen understood to indicate they recommended the issuance of the bonds for the purchase of the park addition, while they insisted they would place the measure before the people, only upon the understanding that they did not recommend it, but simply to get the approval or disapproval of the voters.

There was some discussion as to the possibilities of using the land to be purchased, several members claiming there were but two acres in the McCormick tract which could be used for a tract upon which shelter cabins could be erected. Frank Jordan, President of the Park Board spoke before the council, explaining that the board members intended to remove the elk now pastured upon a level piece of ground, two acres in extent, believed by many to be the finest piece of land in the park, to the rough land in the McCormick tract. By this means, the additional two acres could be released to be added to the camp ground, thus making, in reality, four acres of additional camp ground land made available by the purchase.

Jordan pointed out the profits made on the present shelter cabins had netted the park board a neat sum which had been used in the betterment of the park, and he declared that the addition which the park now wished to purchase would add still further to the earning power of the park.

The councilmen who at first opposed adding this measure to the ballot, were finally won over to the proposition, but before the vote was taken, a new policy of the Park Board was given. The policy, according to Frank Jordan, is that the Park Board will pay for the bonds which are to be issued, out of the funds received from the rent of cabins in the camp ground, that the elk will be removed from their present paddock, thus giving additional room for expansion, and that the Park Board will not ask any further aid from the city in the development of the proposed addition. These statements could only be quoted as a policy, since the park board members are elective officers and thus may be out of office before the bonds are retired.

Before the vote was taken on the election resolution, it appeared that every member of the council was emphatically in favor of the purchase of the Chautauqua and the resolution, reading that the council "recommends" the purchase received no opposition. It appeared that several of the members were dubious about the success of the resolution should the two propositions be coupled on one ballot, and this obstacle held up action for some time. It is probable that without the Chautauqua purchase plan contained in the resolution, calling for immediate action, that the council would still further have delayed a vote on the park addition purchase.

For the first time since the new council took office early this month, six members of the body faced Mayor Johnson at a meeting. Councilman J. H. Hardy, who has been convalescing in Southern California for the past month was on hand last night and was sworn into office just after the meeting opened.

In order to clear the way for important business, which he declared to be of far greater importance than several appointments which have deadlocked the council during the past meetings, Mayor Johnson last night acceded to the wishes of the council members and appointed George McNabb Chief of Police and Frank Merrill, Street Commissioner. These two appointments have held up the final appointments ever since the council took office. Mayor Johnson favored J. W. Hatcher as Chief of Police and E. J. Fraley as Street Commissioner while the

council, on two occasions flatly refused to ratify these appointments. In making these appointments, Johnson quoted the Kelso, Washington, mayor who is now deadlocked with the council over city appointments, and who was ordered a recall election in order to settle the matter. Johnson said, "I will not take the position of the Kelso man in fighting his council, for I believe other business than far greater importance than are these appointments, is to come before the council, and deadlocked the way we are we cannot accomplish those purposes for which we were elected. I am going to back down, and in backing down, I do not believe I am stultifying myself, for I am simply sacrificing one purpose in order to accomplish a still greater purpose."

Mayor Johnson made a blanket appointing George McNabb Chief of Police, Frank Merrill Street Commissioner, W. H. Gowdy, Police Judge and William Briggs Jr., City Attorney. McNabb and Merrill and Briggs are at present holding the offices to which they were last night appointed, while Gowdy replaces Clinton Baughman as Police Judge.

Stuart McKissick, engineer who was retained by the city to survey the water possibilities in this section gave his final reports last night. The reports were accepted and ordered placed on file for future reference.

Upon the recommendation of Earl Hosler, water superintendent, an ordinance was ordered drawn putting water consumers now on a meter basis, upon a flat rate basis from June 1 to October 1, during the irrigation season.

Mayor Johnson made several changes in the standing committees in the council. The new list of committees follows: Finance, Hardy, Detrick, Burdick; Ordinance, Hardy, Wiley, Wright; Electric Light, Detrick, Hardy, Wiley; Water, Burdick, Wiley, Detrick; Street, Peters, Detrick, Wright; Fire, Hardy, Wiley, Wright; Cemetery, Detrick, Wright, Burdick; Indigent, Peters, Wright, Detrick; Sanitary Burdick, Peters, Detrick; Building and Realty, Wiley, Hardy, Wright; Board of Health, Peters, Wright, Burdick, meeting with Drs. Swendenburg and Woods.

A gasoline tax comes high, but tourists ought at least to help pave the roads with good intentions.

#### MRS. M. BARRON PIONEER WOMAN PASSES AWAY

Was One of First Residents of Southern Oregon. To be Buried Sunday

Martha A. Walker Barron died at her home, 117 Almond street, this city last evening, aged 92 years and 29 days.

The foregoing short paragraph marks the passing of one of the early pioneers of the Rogue River Valley, one who came here with the vanguard of home builders, finding it a veritable wilderness as far as population and development were concerned. Here she lived and labored for nearly three quarters of a century to see this home of her adoption of which she was ever proud, developed into a veritable garden spot with all the accompaniments of twentieth century life.

(Continued on Page Four)

#### Basketball Team Guests of Local Kiwanis at Lunch

Members of the victorious Ashland High School basketball team were guests of the Ashland Kiwanis Club at their regular weekly luncheon at the Hotel Ashland today, in what turned into a regular boys' meeting.

Coach Walt Hughes and Principle Ben Forsythe were the principal speakers of the luncheon hour. They gave an outline of the work of the basketball team this year. The team has a wonderful chance of capturing the state championship, and the Kiwanis members gave the players to understand that they were behind them, supporting them to the last.

Mrs. Cleo V. Howell entertained the local Y. M. C. A. gave a talk on "Boy's work in Ashland." Mr. Howell has charge of the boys of the association, and his talk was based on the activities of the Y. in helping boys' affairs since its inauguration here.

Mrs. Cleo V. Howell entertained the members with a violin solo.

#### Gaston Means Is Found Guilty in Conspiracy Case

NEW YORK, Jan. 30. — Judge Lindley this afternoon sentenced Means to two years at Atlanta prison, with a fine of \$10,000. Felder was fined \$10,000 but was given no prison sentence.

NEW YORK, Jan. 30. — Gaston Means, former detective employed by the United States treasury department, prohibition division, and Thomas Felder, his attorney, were today found guilty of a conspiracy to bribe several government officials. The offense carries with it a maximum penalty of two years in prison, and a \$10,000 fine.

The jury which returned the verdict against Means and Felder recommended clemency for the attorney. Means when he heard the verdict of the jury seemed to take the entire proceedings as a huge joke.

The government charged the men with a conspiracy to bribe former Attorney General Daugherty, William Burns, former head of the United States Intelligence Department, United States District Attorney Hayward, and John Clark.

Means was indicted at the time of the uncovering of the Teapot Dome oil scandal at the result of which two cabinet members were swept out of office and indictments were returned against several prominent oil operators of the country. At that time, Means stated he would make a complete denial of the charges brought against him.

Later, Means made a complete confession of the charges, implicating several influential oil men who are not at first connected with the crime. Almost immediately he repudiated his confession, declaring he was forced into making the incriminating statements.

#### OREGON ASKS VOTE ON EDUCATION LAW

WASHINGTON, Jan. 30. — The State of Oregon through its attorney general, Van Winkle, today petitioned the United States Supreme Court for an early decision on the validity of the Oregon state law which requires that children of that state attend public schools within the ages of six and sixteen years. The federal court at Portland held that the law was unconstitutional.

#### ANOTHER PIONEER BUILDER OF WEST DIES IN ASHLAND

William Henry Smith, Associate of Kit Carson, Famous Indian Scout, Dies at Age of Ninety-Three. Was Here Since 1909

William Henry Smith, aged 92 years, 11 months and 28 days, died at his home here this morning after an illness of but a few days. With his death passes another of the pioneers of this section, who have done much for the upbuilding of the city.

Mr. Smith was born in Rochester, N. Y., on Feb. 3, 1832. His mother died when he was nine years of age, and he was taken into his uncle's family, working with his uncle until he was twenty years of age. He cast his first presidential vote for President Polk and Vice President Dallas.

At the age of 20 he removed to Detroit where he made his home with his father's brother for a year. At this time the gold rush to California had started, and although both his uncles tried to dissuade him from the venture, he started West. He went from Detroit to St. Louis, thence up the Missouri by boat to West Port, where he met Kit Carson the famous scout and Carson's partners, Maxwell and Hatcher. These men were shipping goods from St. Louis by boat, and Mr. Smith went into their employ. He took a load of supplies to Santa Fe, New Mexico, one of the distributing points,

and there was employed by Maxwell in a flour mill. He left Santa Fe, going to Placerville, California, in April, 1855. He remained in that place for some time, but finally moved to Sacramento. From Sacramento he walked to Hornbrook and Yreka with his partner, John Hill. After remaining in Northern California, for a short while, he returned to Michigan, where, on February 22, 1869, he was married to Miss Ellen Sletcher. He returned with his wife to Henley, California, where he again engaged in gold mining. He removed to Ashland in 1909, and resided at 166 East Main street until the time of his death. Mr. Smith retained his faculties until the last, although he was within three days of his ninety-third birthday.

He is survived by a daughter, Mrs. W. R. Parrshall of Montague, a grandson, Emery S. Parrshall of Montague, and a great grandson, Robert S. Parrshall of Montague. A son, Albert E. Smith, died in June, 1883.

Funeral services will be held Sunday at 10 a. m. from the Dodge Chapel. Interment will be at Yreka.

#### Nome Appeals to World for Aid in Diphtheria Fight

NOME, Alaska, Jan. 30.—This diphtheria stricken city today appealed to the world for aid.

Conditions have become so serious that anti-toxin units are being rushed into the city by airplane, as a necessary emergency move in order that hundreds of lives of those stricken with the disease may be saved, Mayor Maynard declared.

ANCHORAGE, Jan. 30.—With strained muscles bound in harness today in an effort to bring a million units of anti-toxin to Nome, the strongest and fleetest dogs of Alaska speed to the relief in their "death race." Over ice and snow covered trails, in the bitter Arctic cold, Dan Green, third champion dog racer of the North, today was racing on his way to Tanana, after driving all night. Seepala, Youkon derby winner will receive the serum from Green, and will drive 200 miles to Nome.

This section will ever remember the wonderful sacrifice of "Curly" Retref, The Pas derby favorite, who yesterday, the first of the dog team drivers, drove two of his dogs to death in the first rush, willing to sacrifice his pals in order that the stricken humans in Nome might live.

Today Retref is broken hearted. Lying on the graves of his dogs, every effort to get him to help himself have proved unsuccessful. So badly exhausted were his remaining four dogs that they will never again be fit for racing. The sacrifice Retref made was the greatest a man in the North can make, that of killing his dogs in an attempt to save a life. There is a medal awarded Retref giving him The Pas derby championship for this year.

#### BRAZIL RESIDENT TO GIVE LECTURE HERE

Dr. Henry J. McCall of Bahia, Brazil, of the foreign mission board of the Presbyterian church who has been touring in the United States for some time will speak at the Presbyterian church tonight at 7:50. He has been attending the Foreign Missions week conference in Portland and is making a tour of the state speaking at Salem, Roseburg, Grants Pass and Medford.

#### MEMBERS DROPPED OFF ROSTER FILE PROCEEDINGS IN CO. COURT

Rev. B. C. Miller and Board of Trustees in Charge of Church Property at Present Are Charged With Obtaining Control Through Fraud. Matter Will be Fought Out in Court Between Two Boards of Trustees. Members Are Locked Out

The factional fight for the control of certain church properties, raging between two organizations within the Baptist Church membership here, burst into open flame late yesterday afternoon with the issuance by the county court of an injunction restraining Rev. B. C. Miller, at present pastor of the church, from barring certain members from the church roster, and from selling certain of the church properties.

The complaint filed in the county court in petitioning for the injunction relates the history of the Baptist church in Ashland, and the changing of the name of the church from that of the Ashland Baptist Church to the First Baptist Church of Ashland. Upon the changing of this name hangs the entire factional dispute.

According to the complaint, the church, when organized in Ashland in June, 1884, was incorporated as the Ashland Baptist Church. At that time the church received title to a section of land at High and Church streets, and erected a church, under the name of the Ashland Baptist Church. Although the church was incorporated under the name of the Ashland Baptist Church, by the common consent of its members, it came to be known as the First Baptist Church of Ashland, the complaint states.

In 1919, the Ashland Baptist Church, then known as the First Baptist Church of Ashland, purchased land at First street and Hargadine avenue, and erected a new church at a cost of \$15,000. The title to this land was held under the name of the First Baptist Church of Ashland, since the members contended that being the first Baptist church organized in Ashland, the church automatically became known as the First Baptist Church of Ashland, the name signifying the time of organization of the church.

In August, 1910, according to the complaint, Sarah J. Merley willed the First Baptist Church of Ashland a house and lot, with the understanding that it be used as a parsonage by the First Baptist Church.

#### LAST LYCEUM NUMBER TO BE GIVEN TONIGHT

Metropolitan Grand Quartet Will Present Program at Methodist Church

With the presentation of the program tonight to be given by the Metropolitan Grand Male Quartet, the Ashland Celebrity Course series for the season of 1924-25 will come to a close. The program tonight will be given in the Methodist church auditorium. Although the attendance at the three previous numbers has been discouragingly small, it is hoped that the attendance tonight will be better, for the Metropolitan Grand is one of the finest male

(Continued on page 4)

#### Oil Station Thugs Are Sentenced to 15 Years in Jail

Roland Eastwood, Steve Elek and Robert Duff, the three men who were arrested here last week, following the robbery of the Main street Union Oil station, were yesterday sentenced to 15 years in the state penitentiary by Judge Thomas of the county court. The men plead guilty to the charges against them, and signed a full confession of their complicity in the crime immediately after they were taken into custody by Chief of Police George McNabb, Traffic Officer Joe McMahon, Game Warden Roy Parr and Deputy Sheriff Fornerook and Cronemiller.

The men staged a sensational holdup in the center of the business district when they drove up to the service station, and after backing the attendant into the building looted the till and drove away. They were captured within two hours, however, when the entire law enforcing forces in the county co-operated and blocked every road out of the county. In addition, an intensive search was started in this section which resulted in the capture, first of Elek and then of Eastwood and Duff.

The complaint sets forth that the teachings of the Baptist Church have for a century been distinctive, in that it had distinctive principles and articles of faith as promulgated in the rituals of the denomination, that these principles are known to the pastor and the members of the Baptist Church, and that until about 1923, the Ashland Baptist Church was governed by such principles, and is still subject to and governed by such principles.

The complaint states "that on or about the year 1921, the said Ashland Baptist Church engaged as its pastor, one B. C. Miller, who at that time claimed to be a member of the true Baptist Church, and a duly licensed and ordained minister of said church. He proceeded to occupy the said parsonage bequeathed to the said church by the said Sarah J. Merley, and still occupies the same, and officiated as the pastor of said church for a year, more or less, but during the year 1922, on or about September, the said pastor embraced the schism, called and known by several names, to-wit: The Aimee McPherson, Four Square Gospel, New Movement Creed, promulgated at Ashland by an evangelist of said creed, namely Doctor Price, and ever since the said time, the said B. C. Miller, by proselyting and through his sermons and teachings has industriously and continually used his influence and efforts among the members of said Baptist Church to cause them to desert the faith and teachings of the Baptist Denomination, and to embrace in its stead the McPherson or Four Square Gospel, or New Movement Faith, and has also, through deception, hypocrisy and mesmeric influence, prevailed on quite a large number of the members of other churches, as well as members of the Baptist Church, to become adherents to the said schisms, which schisms are antagonistic to the established doctrines of the Baptist Church. That he has caused a large number of malcontents to embrace the new doctrine to the detriment of the Baptist Church and contrary to the ordinances of the council of said church, duly called and held."

"The complaint also sets forth that 'the doctrines of the new movement embraced speaking in unknown tongues, extreme hysteria, lying on the floor of the church and other unaccountable acts are a matter of ridicule, and

are not in accord with the doctrines and teachings of the Baptist Church.

The terms of the complaint state that Rev. Miller and the members of his flock who embraced the new movement obtained a majority of the membership in the church, and notified the members of the organization who had not embraced the new movement, that unless they took up this movement they would be dropped from the roster. The old members refused to accede to his demands, and they were immediately barred from the church services.

Members of the body which had been ousted met and elected a board of trustees, consisting of H. P. Holmes, V. D. Miller, J. L. Richey and F. B. Travis. The members of the congregation supporting Rev. Miller also elected a board of trustees, consisting of W. T. Minor, Paul Held, J. W. Walkup and W. C. Jackson.

A member of the Baptist council visited Ashland to investigate the matter, and a meeting of those members who had been ousted was held. The matter was discussed, and the body then visited the church, only to find the door locked.

The complaint sets forth that Rev. B. C. Miller and his board of trustees learning that the name of the Ashland Baptist Church had never been changed to the First Baptist Church of Ashland, except through common consent of the congregation, and that the property of the church was held under the title of the First Baptist Church of Ashland, filed articles of incorporation under the name of the First Baptist Church of Ashland, thus obtaining possession of the property, as they thought.

Members of the body ousted from the church complain that the board of trustees supporting Rev. Miller are attempting to sell the parsonage on Oak street willed to the First Baptist Church by Sarah Merley, and that board has obtained a deed of correction to the property upon which the church building stands, with themselves named as trustees.

It has been explained by E. D. Briggs, attorney of the plaintiffs, that the Baptist Church has no centralized head, each church standing upon its own ideals, and that 'therefore, there is no recourse except through the courts.

(Continued on page four)