THE BEAVERTON REVIEW

Consolidated, December 28, 1923 with THE BANKS HERALD which was Established in 1910

Volume II No. 9

\$1.50 Per Year

Beaverton, Washington County, Oregon, Friday, February 1, 1924

"ANKS HERALD, Volume XIV, No. 11

OBITUAK.

W. D. Smith

elected a Justice of the Peace

opposite Peterson's Garage

where it was the custom of the

County Sheriff to take petty of-

Judge Smith had earned

While walking along

bound passenger train about

half past eight in the morning.

he was recognized by papers he

Louis W. Gerber

Bethany. He died at his home

services held in Bethany Bab-

list Church at 1:30 P. M. The

arrangements were under the

Mrs. Elizabeth Twigg

Joseph Twigg at Scholls January

She is survived by her two

and Joseph Twigg of Scholls,

and three daughters, Mrs. Anne

and Mrs. J. H. Collier of Oakland,

Leopold Sams

(Continued from last week.)

his wife, Mrs. Martha Sams; four

He leaves to mourn his loss,

He was buried Wednesday in

with his parents Sunday.

Louis W. Gerber was born in

had on his person.

fenders for trial.

duty.

legal.

W. D. Smith was born in 1859.

TOURI UPHOLDS PATENT SALE

U. S. Suit Against Chemical Foundation Dismissed by Judge Morris.

CONSPIRACY CHARGE FAILS

Conduct of Chemical Foundation Praised in Use of Former German Patents for Benefit of American People.

Wilmington, Del.-In a sixty-two page decision which swept away every one of the Government's major contentions as being without basis in fact or law, Federal Judge Hugh M. Morris dismissed its suit to set aside the sale of seized chemical and dye patents by the Allen Property Custo-

dian to the Chemical Foundation, Inc. The decision rebuked the Government for including in the bill of complaint a series of conspiracy charges unsupported by evidence at the trial and refuted by the defense as well as by documents filed by the Govern-

In declining to compet the Foundation to restore the disputed patents, numbering some 4,700 and bought for \$271,000, from the Government, Judge Morris held there was no evidence bearing out allegation of a conspiracy by American manufacturers to effect a monopoly through the Foundation. The court ruled that there was no evidence of fraud or decelt practiced on President Wilson, Mr. Polk, Under Secretary of State; Attorney General Palmer and other high officials of that Administration.

Garvan's Course Upheld

The opinion praised Francis P. Garvan, president of the Foundation, and its trustees, as having met the most severe of tests in their conduct of the Foundation-"the test of actual trial." They were declared by the court to afford, through their high integrity and unquestioned patriotism, a thortrust. "It has kept the faith," said

the court of the Foundation's work.

Judge Morris found without merit the Government's contention that the criminal laws were violated in that Mr. Garvan, as Alien Property Custodian and thereby a public trustee, sold to himself as president of the He had acted by direction of President Wilson and his acts, supervised by the President under the latter's wide war powers granted by Congress, could not be brought to court. Congress had not delegated legislative powers to President Wilson, as maintained by the plaintiff, and the courts could not pass judgment on the wisdom or lack of wisdom of Presidential war acts.

Judge Morris recited that although Colonel Thomas R. Miller, present Custodian, who had approved two of the sales involved, verified the complaint, in his testimony be admitted that he could not enumerate any of the facts alleged to have been withheld and suppressed from him.

"In view of this testimony and the obvious fact that the power to charge persons with fraud and conspiracy is a weapon with which serious irremedial injury may be done to innocent persons if such charges are lightly made, it is difficult to understand why the specific charges to which the foregoing testimony relates were made," wrote the court. "Yet the remaining like charges were equally lacking in evidential support. In fact, at the argument, the plaintiff seemed no longer to press these charges against the persons alleged to be conspirators, but it sought to have the charges sustained as against the officers of the Government who formulated and carried out in the public interest the plan of sale. . . While I know of no case where by implica-While tion of law the duty of clearing itself from imputed fraud rests upon the defendant, yet the defendant has met even this burden."

Holds Wilson Had Full Power

While the Trading With the Enemy Act at first merely authorized custodianship of German properties in this country. It was later amended, recalled the Court to give power of sale under such conditions as the President, in the public interest, should determine upon. In effect, this made the President, as agent of the nation, possessed of powers as broad as though he were absolute owner of the seized properties. Under the provisions of the act, the President was empowered to make any conditions of sale he considered necessary in the

circumstances. The sales in dispute were not made by the Custodian in his capacity as a common-law trustee, but under the extraordinary powers devolving upon him as the President's representative. under the additional sections of the act. "Because a trustee with only the usual powers may not ordinarily sell trust property at private sale for less than its fair monetary value, 't by no means follows that the Custodian acting under supervision and direction of the President, may not do fit of the enemy. The trust was for not a private trust. The statute re or by facts available to the public."

public interest. Public interest is not a synonym for money."

ed from President Coolidge's message High School. to Congress on the Muscle Shoals problem, the: "while the price is an Importation element, there is another consideration even more compelling.

• • • If this main object (low-priced nitrates for farmers in peace and the Gladys Shellenberger; treasurer, Government in war) is accomplished, the amount of money received for the property is not a primary or major consideration."

Referring to German-owned proper-

ty, the court said: 'Much of this property was not innocently held or held solely for trade and commerce. Information acquired by German-owned companies hed been transmitted to Berlin, and there indexed and made available to German competitors and the German Government. The files of one company were filled not with business papers, but with pan-German literature. It was a distribution centre for propaganda in this country."

Upholds Configuration of Patents Judge Morris pointed out that when America entered the war she adhered to the international convention forbidding polson gas, "but it soon be came apparent that America would be fighting on disastrously unequal terms unless she should make use of all the dread weapons being used against her by the foe. When Germany persisted in her attempts to destroy her opponents with poison gas in contravention of all international agreements, she made it manifest that America's future safety lay in America's chemical independence. The amendment to the act was passed in the darkest days of the war (allowing the sale of setzed proporties). It was thought Paris was about to fall and the Chan-nel ports be taken." These were the circumstances, said the opinion, which impelled Congress to grant the President the broad powers of almost absolute ownership. It was the intent

erty rights to the welfare of the na-Of the value of the patents sold, Judge Morris held, in accordance with the testimouy, that while Dr. Carl Holderman, a German, asserted the Haber patents were worth \$17,000,000 to the Germans, "the evidence is overwhelming that they were and are without substantial affirmative value to American citizens. Had these patents been sold to Americans at public rather than private and and only the net proceeds paid to their former owners these owners would have suffered an almost total loss in Lang. Vice President; Mable

of Congress to subordinate mere prop-

the value of their property." Praises Work of Foundation As to allegations that the sale was dye industries and that the transaction was in legal effect granting a vabsidy to private industry, the Court commented, "this challenge to the motives of the officers making the the facts nor the law. Mr. Polk dedevoted to the public use it matters not what benefits or detriments may have flowed as incidents therefrom.

"The property is in the keeping of years. men who have in its management no selfish interest to serve and whose devotion to the public interest has been established," continued the opinion. No better plan for devoting the property to public use has been sugrested. The plan has stood the most it has done, not only by granting licenses in furtherance of the purposes for which it was charatered, but also at its great expense, by distribution of books and pamphlets showing the national necessity for practical development of chemical science in Ameri-If perchance, those heretofore engaged in the industries have derived an incidental advantage from the plan, that incidental result cannot invalidate a transaction lawfully consummated in the public interest. The same charge would lie against the validity of every tariff act. . . . its citizens, not to those then engaged

in chemical and allied industries." Judge Morris ruled that if the executives entrusted by Congress with power of sale acted within the scope of that power "their acts are not subject to judicial nullification or review Invasion by the courts to determine whether the public interest required the property be sold otherwise than under the statutory conditions prescribed and to set aside the sale should the judgment of the court be different from that of the President would be a judicial nullification not only of the President's act but also of the act of Congress conferring on the President the power to determine what the public interests required. What the public interest requires de pends upon the conditions existing in the nation. Courts do not understand the 'state of the Union' and as, I apprehend, are not equipped to ascertain

sons actuating the President does not make his act any the less an act of discretion. It is conceded the President cannot be brought into court to substantiate his reasons. The statute does not require him to disclose to so," held the Court. "Obviously the the purchase the evidence upon primary purpose of the act was the which his reasons were based. The protection of the nation, not the bene statute does not limit the Executive in he assistment of reasons to such the benefit of the nation a public | 48 may be supported by legal evidence

HIGH SCHOOL

Lucile Hite and Theresa Lund-In this relation Judge Morris quot borg were recent visitors at the

At a meeting of the Freshman lass held recently, the following officers were elected: President. Georgianna Malarkey; secretary, Elsie Whitworth; reporter, Martha Woodruff, and sergeant at arms, Lawrence Day.

The Sophomores bave elected their officers for this semester. They are: President, Merza Halsten; vice president, Mildred Mc-Lead; Secretary, Thelma Lee; tressurer, Irene Stock; reporter, Curtis Tigard, and sergeant at arms, Pete Bous.

The Juniors have elected their class officers for this semester. They are: President, Arthur Lang, vice president, Robert Hocken; secretary, Jean Jackson; treasurer, John Gray; reporter, Cecil Emmons, and sergeant at arms Cecil Barnes

The Senior officers for the second semester are: President, Harley Taylor; vice president, Ernest Masters; secretary, Ernestine Masters, treasurer James Taylor; reporter Jaime Hudson and sergeant at arms, Henry Ja-

A number of the students, principally Seniors went to Hillsore with Mrs. Dewhirst Monday night to the Hilhi Senior Class Play which was entitled "Clar-They report that the play was very good and that the theater was well crowded.

The sophomore class of Beaverton High School have presented Mrs. Dewhirst with a silver sandwich tray to show their appreciation for the work that she did in their recent play in he'ping to make it a success. The presentation was made by Merza Halsten, the president of tract in Sec 8 T t N, R 4 W.

At a regular student body election held January 28, the folowing officers were elected: Ernest Nichol, President; Arthur Frewing, Secretary; Jack Malarkey, Treasurer; Gordon Halsten, Sergeant at Arms; Carna Peternot to obtain a fair value, but to pro- son, Parliamentarian; and Janet Huntley, Reporter.

Friday night, January 25, Beaverton High played Yambill High on the home floor which resulted in a victory for the local sale is supported. I think, neither by girls by a score of 27 to 7, and a defeat for the local boys termined the public interest would be by a score of 23 to 10. Next best served by a wide use of the in- Friday night, February 1, the ventions covered by the patents. If local teams will meet Banks the property was sold under terms High School on the Beaverton and conditions that assured its being High Cymnasium. This will be the first game with Banks that Grove, \$10.00. Beaverton has played for three

The names of the Honor Stu-

Just Watch **Beaverton Grow**

C. E. Hedge Is Planning on Frect ing a Three Story Medern Building on His Property

Plans are alread drawn and the contract will soon be let for a three story brick and concrete Building to be erected by C. E. Hedge on his Highway property fronting on Broadway. We are much gratified to learn that Mr. Hedge in his judgment sees the need of such improvement. There has been a demand for this class of Building for some time.

This modern building will have four store rooms on the ground floor, and two floors which will both have eight modern apartments. Any of the store rooms will be altered to suit tenants

This property is considered to be one of the most desirable locations in Beaverton. Plans of the building can be

seen in E. E. Swenson's office

REAL ESTATE TRANSFERS

Floyd Estepp et ux to C. C. Beers: part of Blk 1 Fairview

John H. Scherner et ux to Home. \$10.00. Joseph R. Church et al to N.

W. Phelps et ux: 5 ac. Alderbrook Farm, \$10.00.

Carl L. Banks et al to Robt. M. Banks: part of Sec 1 T 2 N. R 3 W, \$10.00.

John Her et al to John Shorb: A. C. Shute et ux to Wm. G. Hare: part of Lot 8 Blk f Hills-

C. C. Beers et ux to Floyd Estepp et ux: 30 ac Sec 25-26-25 & 36 T I N. R. 3 W. \$10.00. Dallas P. Murray to Covell & Co. Inc. .715 ac Beaverton Reed-

boro, \$10.00.

ville Ac. \$10.00. Bernard: 2 ac Sec. 10-11-15 &

16 T 1 S, R-1 W, 8650.00. Matilda Nollsch to Burl A. Notisch et ux: Lot 4 Blk t Vailey View Add Forest Grove, \$100. John Stewart et al to Grossett Western Company: tract in Sec. 1 T 2 N. R 6 W, 860,000,50.

L. F. Humberg et ux to Edward A. Dixon et ux: 1 ac Forest

been raised a great deal and it is very difficult for a student dents for last semester were to have his name on either list. read in the assembly January The lists are as follows; Honor To be an Honor Student it Students: Alice Heltness, Gladys was necessary for one to have Lindsay, Virginia Parks, Helen three A's as an average for the Slifes, James Taylor, Rufie Sansevere of all tests actual trial. The semester and no grade below a toro. Very Honorable Mention: defendant has kept the faith. This R. Those receiving two A's as Verne Davis, Janet Huntley, June an average and no grade below Hudson, Erma Welch, Phyllis B were given very Honorable Lingman, Harley Taylor, Merza be the name of the Lord. Mention. The standard has Haisten, and Martha Woodruff.

UNION OIL STATION ROBBED

Thieves broke into the plant of the Union Oil Co. just east of town, Saturday night and stole a tire, a flash light and some other little articles that were lying about.

They secured entrance to the place by prying off some padlocks that were used to fasten the doors but did not find much of value where they could get their hands on it. The manager reported the loss to the county authorities but there has been no clue discovered to lead to the identity of the burglars.

SONTAG-ZAGER WEDDING

Mr. Baill Sontag and Miss Belle Zager were married in Salem January 11. The happy couple left immediately for a short honeymoon which they spent at the coast. Mrs. Sontag en returned to her work at the Beaver Inn where she will stay until someone can be found to take her place at the Inn. She will then join her husband at Bay City where they expect to make their future home.

The best wishes of their many friends go with the young couple as they start anew on their journey through life.

PUPILS WHO PASSED 8TH GRADE EXAMINATIONS

Below are the names of the pupils who successfully passed the eighth grade examinations this month, and are now entitled to enter high school.

District Seven, Hillsboro, Willis Cooper, Kingsley Patterson, Elmer P. Ivey: 1 ac. Garden Elinore Maling, Bertha Mohr, Iola Robb, frene Connell Maxwell Chambers.

District 11, Gaston, Agnes Harder

District 15, Forest Grove, Florence White, Scott Roberts, Dorothy Bryant, Elma Duncan, Alice Johnson Maybelle McNutt, Mabel Brown- Floyd Hodges, Verle Hines, Donald Cheney, Landon Curtis, Richard Ellingsen, Margaret Brewer, Mildred Clayton.

District 32, Cherry Grove, Lu- of Hillsboro. cile Fiske.

District 51. Mountaindale Leona Stromberg. District 56, Kansas City.

Franklin Buhman. District 58, Farmington, Louise Halvorsen, Brice Adams,

District 66, Seth School, Em-District 79, Witch Hazel, Har-

old Bakke. District 86, Hayward Alma Scheible.

District 88, Sherwood, Anna District 99. Thatcher, Leora

Haney. District 110, Glenwood, Anita Mae Ohler, Thane Ohler. St. Ferdinand School, Chas. Vanderzanden- Edmund Vander-

CARD OF THANKS

zanden.

daughers, Nora, Julia, Marie and We wish to thank our friends and Lynden; his mother aged and neighbors for their kindly sympathy and aid extended to Washington, and a nephew, Geo. us during our recent bereave-Sams, who has been making his ment. The Lord gave, and the home with the family. Lord hath taken away. Blessed His last words to his wife and

Mrs Leo Sams and family

family were that he had found eace with God. The funeral was held at the Methodist Church in Beaverton, January 24, 1924, and interment in the Cresent Grove cemctery. The arrangements were in charge of Mr. W. E. Pegg, the Beaverton Uudertaker.

REAL ESTATE THANSFERS

Jennie J. Palmateer to Oliver O. Coslett et ux: part of Blk 11 Hillsboro, \$10.00.

Jennie Leeson Brown to Henrietta Brocks: part of lot 1 Blk 18 Wehrung's Add \$10.00.

Terressa E. Turnidge et vir to Ora Margaret Campbell: in Section 24 T 1 S, R 2 W, \$10. A. S. Ellis et ux to R. A. Wallis et ux: 217 ac, Sec 8, T 2

S. R 2 W. \$10.00. Jackson Wright et ux to Edward Renfrow et ux: part of the present time, to serve any Blk 9, Naylor's Add, Forest Grove, \$1.00.

J. A. Imbrie et ux to A. J. Hartrampf: Tract in Secs 14, 15, 22 and 23, T 1 N, R 2 W,

Harry Davies et ux to J. H. Westcott et ux: 1/2 ac Sec 27, T 3 N, R 5 W, \$65.00.

Rev. V. C. Allison of Portlanl will speak at the Pacific Theatre Tuesday evening, February 5, under the auspices of the Wo- Columbia when the need for a men of the Ku Klux Klan.

mmittee Opposes Bridge

For the past thirty years he has made his home in Hillsboro Rainier-Longview Bridge Across where ten years ago he was Columbia Held to Be Unnecessary at this Time He maintained an office about

That the construction of a bridge across the Columbia or the Willamette Rivers would inreputation for being severe with terfere with the navigation by those who break the traffic laws deep draft vessels of the channel but that was probably because from Portland to the sea, would he did what he thought was his prove a calamity to the farmers, the manufacturers and the shipthe pers of the great Columbia ba-Southern Pacific tracks about a sin, and therefore should not be mile west of his home Tuesday permitted, is the stand taken by morning he was struck by a west the Open River Committee consisting of Oregon and Washington business men which recently His body was badly mangled and was organized.

This committee has made a thorough investigation into the The engineer in making his proposal to build a bridge spanreport stated that Smith had ning the Columbia between Rastepped off the track in re- nier, Oregon and Longview, Wn. sponse to several jerks on the and the members have become whistle string but as the train firmly convincedof the folly of drew up to him he stepped again such a project, both from the on the track directly in front of standpoint of a necessity and of a menace to the shipping in-He leaves a sister in Forest dustry on the Columbia.

The unanimous opinion is drove, Nora Smith and a brother in Idaho, J. D. Smith, to mourn that Oregon and Washington his untimely death. He will be cannot afford to jeopardize the missed by a large circle of \$38,759,075 expended by the friends and acquaintances who United States Engineers, the have been accustomed to go to Port of Portland and the Comhim for advice about matters mission of Public Docks of Portland in developing the channel from Portland to the sea and in providing unexcelled terminal facilities for deep sea shipping, which in the past two years has 1907, the son of John and Mary saved \$18,925,019 in freight Gerber who make their home at rates to the shipper, shared largely by the farmers of the two states.

It is the practice of some of Union Cemetery after funeral the steamship companies to refuse to permit vessels of deep draft to navigate a port above bridges, and it is believed by are of Glenn F. Bell, mortician, the committee that if a bridge should be built at the proposed sile, vessels of heavy lonnage would refuse to go to Portland to discharge and to load cargo. . Mrs. Elizabeth Twigg was born The result would be, it is argued in 1833 and came to Oregon in that benefits now enjoyed in 1886. She died after a short lower freight rates by reason would be forfeited and wheat growers, wool producers, orchardists, lumbermen and others sons, William Twigg of Scattle who ship by water to world's markets, would ever after pay the penalty in higher freight Wendstrom of Jennings Lodge, rates. Mrs. T. C Reed of Hillsboro,

The committee has arrived at the conclusion that the bridge would be of benefit only to the people of the Lower Columbia River districts as a means of travel between Northwestern Ore. and Southwestern Wash., and this benefit, enjoyed by only a small number of inhabitants of the two states would not be Elizabeth; two sons. James L. sufficient to justify such a vast expenditure of money as would ninety, who lives at Prescott, be required, not taking into consideration the harm it would do to the commercial, the industrial and the farming interests of the states by interfering with commerce on the river. It would not shorten the distance from Southwestern Washington to Portland or points in the Willamette Valley or from Portland to Puget Sound, and therefore would be of no benefit to the great bulk of travel.

Construction of a bridge along the lines proposed and at the site named would require piers in the waterway. The tentative site is directly below the mouth of the Cowlitz river at a point where the Columbia is narrow and where swift currents and a fog belt exists. Piers in the river at that point would cause shoaling, would change the currents and would make navigation of the channel more difficult especially during freshet periods and in time of fog.

"We fail to find that the construction of a Lower Columbia highway bridge is necessary at economic need," said the Committee in its report. "We believe that the existing bridge at Vancouver is sufficient to meet all traffic demands fetween Oregon and Washington. We further believe, that a low bridge on the Lower Columbia would be an obstruction to navigation, absolutely unjustified by any needs apparent now or which can remotely be foreseen.

The only type of bridge which should be constructed across the

(Continued on page 6.)

Slippery Going

