

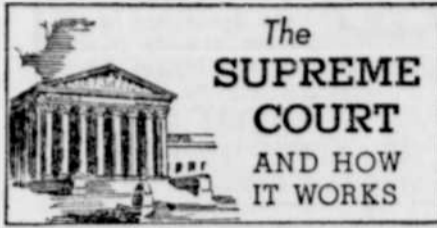
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The SUPREME COURT AND HOW IT WORKS

ARLINGTON and the Bill of Rights
By ROBERT MERRILL

"NOR shall private property be taken for public use, without just compensation."

That's from the Bill of Rights, an important part of our federal Constitution.

On many occasions the Supreme court, acting as our National Umpire, has been called upon to protect citizens under the clause. Sometimes it has saved citizens from losing their homes without being adequately compensated.

The most notable instance involved Arlington, the home of Mrs. Robert E. Lee, wife of the Confederate general. Today it is the famous national cemetery across the Potomac from Washington, where rest our soldier dead.

Union Takes Arlington.

Here is the story—from the records of the court:

During the war between the states, Union forces took possession of Arlington, and the wife of the famed southern leader was forced to retire behind the Confederate lines.

In 1862, congress passed a bill entitled, "An Act for the Collection of Direct Taxes in the Insurrectionary Districts within the United States." Under this measure commissioners were appointed to levy and collect taxes and, in default of payment, to sell the property against which they were charged.

Various rules were drafted by the appointed commissioners. One provided that property taxes in the district including Arlington had to be paid by the owner in person.

On January 11, 1864, taxes to the sum of \$92.07 were due on the Lee estate. Since she was behind the Confederate lines, Mrs. Lee was unable to appear personally to pay them. She sent an agent to make the payment for her, but, because of the arbitrary rule, the money was refused.

Then the estate was sold to pay the taxes. The United States government bid it in.

Confirms Lower Court.

Mrs. Robert E. Lee died in 1872, and her son inherited the right to reclaim the estate. Asserting that the government claim to his boyhood home was unjust, he petitioned congress to return it to him. When that effort failed he instituted suit against the officers in charge.

The lower court decided that the tax sale was invalid, and, therefore, the United States had no rightful title to the property. But the Department of Justice appealed. The case went to the Supreme court of the United States for a decision. It affirmed the lower court.

Referring in its opinion to the 5th Amendment of our Constitution—the Amendment which provides that: "No person shall . . . be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation," the Supreme court said:

"If this Constitutional provision is a sufficient authority for the court to interfere to rescue a prisoner from the hands of those holding him under the asserted authority of the government, what reason is there that the same courts shall not give remedy to the citizen whose property has been seized without due process of law, and devoted to public use without just compensation?"

Lee Sells Home to U. S.

Thus the Supreme court had upheld the Lee title—but while the government was in possession, it had converted part of the estate into the cemetery and buried thousands of soldiers and sailors there. Another part had been made into a military post. Lee, therefore, agreed to sell Arlington to the United States and the government acquired title after "just compensation."

That was an outstanding case, but in other cases, too, the Supreme court has assured similar protection to men and women who appealed to it for justice.

On one occasion a citizen's property was taken by government officers under the impression that the ground had been ceded to the United States in an Indian treaty. An appeal carried up to the Supreme court resulted in its restoration to the owner, even though the government had erected a garrison and other buildings on it.

Cost of public utility administrative agencies of the federal government has risen from \$217,000 in 1933 to \$6,000,000 for the next fiscal year.

Time For First Walnut Blight Spray Control

Information Given on Application of Same

First spray applications of the 1937 season for control of walnut blight should go on now, weather permitting according to Paul W. Miller, associate pathologist at the Oregon experiment station. There is some variation in the time the buds begin to open, but this first spray should go on when the pistillate flowers are first barely exposed. The "blight" lives over winter as a bacterium primarily in the diseased buds and also, to a lesser extent, an infection on shoots of the previous year's growth. These bacteria are spread by rain and the nuts are susceptible to infection from the time the nut-bearing flowers begin to open until the walnuts are nearly grown.

With some of these buds beginning to open last week, complete control would have been obtained in such cases only by spraying at that time. Showers and rain over the weekend and the beginning of this week will probably mean some blight infection during the bloom period. The rainy weather has proved to be an abstacle in spraying tree fruits this spring for the control of diseases and insect pests and apparently it is going to be a handicap to effective blight control on walnuts, says W. F. Cyrus, county agent.

Mr. Miller, in a letter received Saturday, has the following to say regarding spray material for blight control: "We are advising the growers to use either a fish oil or a mineral spray oil (viscosity 70 to 120 seconds Saybolt; sulphonation test between 50 and 80) with this treatment of Bordeaux mixture at the rate of one pint of either oil to 100 gallons of spray in order to reduce the severity of foliate injury which often follows the application of Bordeaux mixture to young walnut leaves."

Amount and frequency of rain during the infection period will have to do with the amount of spraying that is necessary. The safest practice to follow is to plan on three sprays, says Miller, Oregon extension bulletin 500 discusses walnut blight and spray control. Those people who have walnuts and are interested in spraying and do not have this bulletin should get it. It may be obtained by calling at the county agent's office.

Postal Employees To Sponsor Air Mail Rose Show

Postal employees throughout the Nation have been invited to participate in the Postal Employees' National Air Mail Rose Show to be held at Portland during the Portland, Oregon Rose Festival June 9 to 13, according to information received by Postmaster Neta Daly. The Air Mail Rose Show will be held June 10 and 11 in connection with the annual show of the Portland Rose Society at the State Armory.

Entries for the Postal Employees' National Air Mail Rose Show must reach Portland by Air Mail. Any outdoor-grown roses may be entered in the show of the Portland Rose Society and may travel by any known means of transportation.

Numerous fine prizes are offered for all the various classifications in both shows. Further information on the Air Mail show may be obtained by writing to Dr. E. T. Hedlund, Postmaster at Portland; and on the Rose Society show by writing to David Robinson, chairman, 502 Pacific Building Portland Oregon.

Tacomn to Take Job with Shipley

E. L. (Steve) Stevens, who has been identified with the automobile business on the Pacific coast for many years came to Portland last week from Tacoma to take the job of used car manager for W. W. Shipley company Dodge distributors.

Stevens made an enviable record in Tacoma for the past four years where he was in charge of the used car department for Mueller-Harkins Motor company when that agency ranked first a number of times in used cars sales among General Motors agencies throughout the country.

He was prominent in civic and club affairs and at the time of leaving Tacoma was president of the Executives club there. He was also active in the Young Men's Business club, the chamber of commerce and other organizations.

Mr. Stevens declared that Portland looked good to him and that he had much confidence in the future of business here.

NOTICE

M. E. Balland of the Aloha Shoe Renewing Shop is again in his shop after his serious illness of 30 days spent in the hospital. He is now again able to take care of your foot troubles. Old customers and new will find him at his place of business.

Today and Tomorrow Will be "Poppy Day"

Tomorrow will be Poppy Day in Portland and vicinity and in thousands of other cities and towns throughout the United States. Millions of bright red poppies will be worn in America's annual tribute to the World War dead.

Women of the American Legion Auxiliary will be on the streets early tomorrow morning with baskets of the memorial flowers, offering them in exchange for contributions to aid the war's living victims, the disabled veterans and their families and the families of the dead. They will continue working throughout the day, giving everyone an opportunity to "honor the dead and aid the living" by wearing a poppy.

Preparations for the observance of Poppy Day here have been completed by the Auxiliary. Poppies will be distributed by women and girls, all working as unpaid volunteers. Money received for the flowers will be used to help maintain the welfare work of the Legion and Auxiliary among disabled veterans and fatherless families during the coming year.

"The little red poppy worn above our hearts today and tomorrow is the truest symbol of our remembrance for those who gave their lives in the nation's service during the World War," said the chairman. "It is their flower. It grew on the fields where they died and it was the only floral tribute on the bare battle graves where they were buried. We of the Auxiliary are hoping that everyone will understand the poppy's significance and wear one with pride today and tomorrow."

The memorial poppies made in replica of the wild poppies of France and Belgium, which grew in such profusion on the World War battle fields will be offered throughout the city on Poppy Days. The flowers have been made by disabled war veterans in honor of their fallen comrades and contributions for aid of the disabled men and dependent families will be received in exchange for them. Honor the war dead and aid the war's living victims," will be the Auxiliary's Poppy Day appeal.

Junior American Legion Base Ball Team Planned For This Year

A committee of business men and Legionnaires met in the Chamber of Commerce rooms, Hillsboro, Friday night and decided to have a Washington County Junior American Legion base ball team this year. Players will be eligible from all parts of the county, and it is hoped to put a first class team in the field.

Players 17 years of age and under who want to make application for a place on the team are asked to be at the ball park Hillsboro, Saturday afternoon May 22, at 1:30.

Beaverton Couple Celebrate Golden Wedding Anniversary

Mr. and Mrs. Fred Antrobus of Route 1, Beaverton were pleasantly surprised Tuesday May 18 when a group of relatives and friends called and pleasantly surprised them, the occasion being their golden wedding anniversary. They were married at White Hall, Ill. May 18 1887, and are one of the pioneer families of this district.

Among those present were Mr. and Mrs. Walter Rose of Beaverton, Mr. and Mrs. Jeff Antrobus of Portland, grandchildren, Cappy and Eddy Rose, other guests Mr. and Mrs. D. E. Reed; Mr. and Mrs. P. Wickstrand, Mr. and Mrs. S. E. Anzalone, Mr. and Mrs. R. B. Medill; Mr. and Mrs. T. A. Ryan of Vancouver, Wash.; Mr. and Mrs. S. Wray, Mr. and Mrs. Jack Tatlock; Mrs. W. A. Flinn; Mr. and Mrs. J. E. Mittel; Mr. and Mrs. E. F. Wright; Mr. and Mrs. A. O. Westgate; Mrs. J. F. Wright; Mrs. Richard Ferriss; Mrs. L. H. Place; and Mr. and Mrs. Jewell Wright.

A mock wedding with David E. Reed as the marrying parson was part of the evenings fun. Delicious refreshments were served.

Cold Storage Lockers Subject for Discussion

Preparation and packaging of food products for preservation in cold storage lockers will be discussed by E. A. Weigand head of the horticultural products department of Oregon State College, at a meeting at the Forest Grove theatre at 3 p. m. Friday May 28.

Experience with various fruits and vegetables put up for home use, show that there are important differences in the way they should be prepared and packaged for desirable results in cold storage preservation. Mr. Weigand has for three or four years been conducting work of this kind and will discuss various products and desirable methods of handling them, says county agent W. F. Cyrus.

First Aid Students Receive Certificates

One hundred fifty students who have completed the junior first aid course, will receive their certificates this week, announces W. F. Norman, chairman of the Washington County Chapter American Red Cross.

The Court House

Happenings of the Week at the County Seat

By ROSE CAVE

Grand Jury Three Indictments

Three indictments of which one is secret was returned Wednesday by the Grand Jury. I. W. Fairfull, accused of larceny of money from Bishop Hardware Store at Beaverton and Morris Knudtson, assault with a dangerous weapon involving Mrs. Pauline Jurgens at Jurgens Park near Tigard, May 10.

Henry B. Narup of Banks, was drawn as a substitute juror in the place of William A. Butler of Tigard, who has removed from the county.

Arrests and Fines

Marion M. Cook, Molalla route 2, arrested on a charge of driving a truck 50 miles an hour by Sgt. Warren of State Police and Deputy Sheriff Busch received a fine of \$40 in Tigard Justice of the Peace.

Taken into custody on a charge of being drunk in a public place, Bud Earp arrested at Cornelius by Marshall Jackson and Deputy Sheriff Busch received a fine of \$25 and costs in Hillsboro Justice Court.

Joe R. Logan, arrested by Chief of Police McGuire of Forest Grove, on a drunk and disorderly charge is in jail as a city charge.

Schools Closing

Vacation time in many of the schools is coming early according to the annual report of O. B. Krause, county school superintendent. Schools closed at this time for summer months include Union, Banks Grade, Middleton, Grabel, Cipole, Fern Hill, Kansas City, Midway, Derelick, North Plains, Mulloy and Witch Hazel. A number of the schools began the year's work in late August hence the early closing, giving the boys and girls a chance to get out to the berry fields sooner.

The following probate orders have been signed by Judge Donald T. Templeton and filed with the Clerk:

George Wise, order of sale of real property.

Clarence L. Stevens guardianship, approving petition.

Christine Peters, guardianship closing estate and guardianship.

John H. Neal admitting estate to probate and appointing Dorcas N. Neal, executrix.

Lucy Dye, admitting estate to probate and appointing Charles K. Dye, administrator.

Francis K. Walgraeve approving final account and closing estate.

Nels Nelson, approving bond and appointing appraisers.

Harry V. Gates approving final account.

A. W. Steele guardianship approving accounting.

Susie M. Tupper guardianship approving guardian's report.

Jacob Oefinger, fixing time and place of hearing final account.

William M. Scheurer approving final account.

Mary E. Lamont, fixing time for hearing final account.

L. S. Hamilton, fixing time and place of hearing final account.

Margaret J. Morrissey authority to build bridge across river.

Max Hensley, fixing time and place of hearing final account.

William H. Yost guardianship discharging guardian.

Annie J. Miller fixing time and place of hearing final account.

C. P. Kruger fixing inheritance tax.

The following Circuit Court orders have been signed by K. Frank Peters, Judge and filed with the Clerk:

Arthur L. Mason vs. E. E. Kester and Frank Pockrus dismissed.

Fern Davis vs. Thomas B. Davis, default and decree of divorce.

Shute Bank Liquidation, authorizing execution of quitclaim deed.

Emma Pitman vs. Kitty M. Ellis order of dismissal as to files and records.

Pacific Coast Joint Stock Land bank vs. Mrs. C. Hermann, et al order of publication of summons.

Ann Bitzer vs. Ethel Hocken Thomas, et al default.

State or order ex rel La Vern DeLauney et al vs Oscar DeLauney, order to show cause.

The Federal Land Bank vs. Clarence C. Maller et al, appointing guardian ad litem.

Federal Land Bank vs Robert Wetzler et al confirmation of sale.

Elizabeth Larison vs Norman A. Larison, default and decree of divorce.

Federal Land Bank vs Caroline Hoffman, decree.

Albert G. Dickinson et al vs Wenzel J. Ansgore, terminating authority of receiver and authorizing purchase of yarding equipment.

Earl G. Bronaugh vs Carrie B. Clark, et al decree.

Pago Pago, where the American clipper plane made history in its flight to Australia, is known as the land of rainbows and it is reported that 16 have been seen there at one time.

Verboort Man Killed by Car

While trying to keep a young heifer off the highway, George Geisler, 82, of Verboort was killed Friday morning when he stepped into the path of a car driven by Fred Cummings. Geislers together with his wife, was herding cattle along the road and when the Cummings car drove up to the cattle the heifer walked out in front of the car.

Cummings swerved the car to avoid hitting the heifer and Geislers stepped out in front of the car, apparently to head off the heifer. He was struck by the front fender and knocked down; he suffered eternal injuries and died almost immediately according to Sheriff Connell, who investigated.

Stairet Meted Five-year Term

Five years in the State Penitentiary was the sentence meted to Leslie H. Stairet Saturday when he was brought into Circuit Court for belated punishment on check operation charges.

Stairet was recently captured after a county jail break here last August, he had previously plead guilty to a grand jury indictment on the check account and was waiting sentence when he joined Charles Dotson in flight.

When brought before Circuit Judge Peters he sought to reverse his plea and obtain counsel to contest the charge and also entered a plea of not guilty to the break accusation. Because the punishment provided by statute for an unarmed escape, carries only one year the man will not be held on that account according to G. Russell Morgan district attorney.

Frank A. McCoy captured at Forest Grove shoplifting, pleaded guilty to a charge of larceny in a store; sentence was postponed until Judge Peters had opportunity to inspect the man's police record which includes a long list of convictions as listed in a report from California.

Pleading guilty to morals charges Vernon Choquette, 26, and Mrs. Wynifred Cornelius, 22, both of Dilley, drew suspended sentences.

Girl Student asks Sum For Ejection from Bus

Alleging that she was manhandled and ejected forcibly from a school bus serving the Forest Grove union high school Dorothy Davis 18, of Scoggins Valley filed suit this week through her guardian ad litem, Charles A. Davis asking damages of \$5000.

Named as defendants are George L. Hendricks and Sanford Matteson, declared to have been operator and driver respectively of the school bus. Complaint alleges that Matteson on February 11 forcibly put her off, following a disagreement about where to sit.

Fertilizer Treatment To Be Explained

Saturday afternoon, May 22 at 1:30 p. m., Elmer Guerber and county agent W. F. Cyrus will show those farmers who may be interested in the grass plots on the farmer's farm and will explain the fertilizer treatment that they received late the past winter. The Guerber place is approximately eight miles northeast of Hillsboro, and about one mile west of the Helvetia church. Farmers who are interested in grasses will find it to their interests to look these over.

6-Year-Old Dies Under Wood Truck

Johnny Gavin, 6, son of Herbert Gavin, S. W. 50th avenue and Martha street Glencullen was killed almost instantly Monday morning when he ran from behind a woodpile into the side of a two-ton truck and semi-trailer driven by Ray Wood, 35, of 2114 S. W. 1st avenue at S. W. 41st avenue and the Bertha-Beaverton highway.

Wood, driver for the Millard Fuel company, 5424 S. E. 72nd avenue, told Deputy Mollenhour that he swerved when he saw the boy run into the street. The truck missed the boy but the trailer struck him.

The body was turned over to the coroner's office.

New Members Taken In Farmer's Union

Among new members taken in the Farmer's Union Middleton Local 233, is H. K. Platt of Tigard, Herbert L. Elmer, Fred Elwert, John Eggenstos, Joe Baggenstos. The committee for the Washington County Fair booth consists of J. O. Boger, chairman, Bert Meyer, Fred Langer, Mrs. Herbert Elmer, Mrs. H. K. Platt, Andrew Kuehl and Harold Aebischer.

Birth Records

Marchewka—to Mr. and Mrs. William E. Tigard May 3, a daughter.

McMahon—to Mr. and Mrs. J. E. Aloha, May 5 a son.

Polsky—to Mr. and Mrs. P. L. Beaverton May 9 a son.

The national republican clubhouse in Washington, D. C. a four-story edifice bought for \$150,000 in 1929, has been offered for sale.

Business Humming In Many States

Effects of Gold Price Over-estimated

Springfield, Mass., May 21—Business in the eastern industrial states is now at the highest level in eight years—the best since the Fall of 1929! Automobile activity is breaking all records. Railroad carloadings are the highest since 1930. Steel activity is close to an all-time peak. Nevertheless while business is booming on one hand, confidence, on the other, is disappearing. The optimism I noted in the West is missing in the East.

However, sentiment is always shifting back and forth. There is a constant battle between favorable and unfavorable factors. On the long upward sweeps optimism usually holds the upper hand. On the steep drops on the downside, pessimism usually prevails. But even during the major ups-and-downs, there are times when the battle between confidence and uncertainty is so close that progress in either direction is halted. This is the case today. The cheerfulness of the election period has vanished. So much disturbing news has crept into the picture that confidence is slipping fast in such states as Michigan, Ohio, Pennsylvania, New York and Massachusetts.

Quandry Over Gold

One subject which is bothering many of the businessmen and investors with whom I have talked this past week is the fear of a change in the price of gold. It is felt that the United States cannot indefinitely continue to pay \$35 an ounce for the metal. There is a feeling that we will soon have to refuse to take all foreign gold offered us at this price. Rumors are that the price will be cut to \$5 an ounce. Many fear that this would start a bar market in commodity and stock prices. They feel that if the price of gold is slashed, the entire commodity price level must be revamped. They believe this would mean serious readjustments and might mark the beginning of a major downward business cycle.

I have never had much patience with those who are always worrying about the price of gold. Its effect on the business cycle is being magnified all out of proportion. Of those who fear a cut in the price of gold I ask the question: "What happened when gold was increased in price in the second half of 1933? Did copper, cotton, rubber or other commodities immediately jump a proportionate amount in price?" It is true that most of these materials have trebled or quadrupled in the last three years. But that is due mostly to an increase in the natural demand for them rather than their revaluation in terms of the new price of gold.

Doubts Basic Effect

According to strict theorists, if gold should drop to \$25 an ounce, corn should tumble from \$1.40 to \$1.00 per bushel. However what effect does the price of gold have on the price of corn when grain elevators in Chicago are empty and delivery contracts must be met? What difference does it make if gold is dug from one hole in the ground only to be reburied in another (Fort Knox, Kentucky)? It is pretty difficult for the average man to see how this affects the price of frying pans, raincoats or apple pies. I believe that other factors, such as supply and demand, are far more vital. For example, when output of copper is deliberately being curtailed and demand is increasing on all sides, the logical result should be a mark-up in copper quotations regardless of the price of gold.

But economists who do not agree ask: "What boosts the demand for copper?" My answer is: "Because business is better." And what makes business better? Here is where the real difference of opinion comes. The big question is: What brings the turning-point in a period of depression or prosperity? Certainly nothing as simple as a change in the price of gold! I have devoted my life to the study of the business cycle in all its phases. My answer to that question is: The turning point in any business cycle comes when and because the forces of depression or expansion have finally spent themselves. The ancient Law of Action and Reaction rules the business cycle. Raising or lowering the price of gold has about as much effect on the basic trend of industrial production as King Canute did on the tide.

Effect is Psychological

If our money system consisted solely of gold coins then the supply and price of gold would affect the volume of business. Inasmuch, however, as our present "money" consists almost entirely of "credit" dollars, gold should mean little today. Government policies such as armaments, budgetary deficits, relief spending, production and monetary control, are vital factors today. As a matter of practical economics, they are far more important than the gold situation. Over a ten-to-twenty year period the price of gold may still have

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