

Vernonia Eagle

MEMBER OF NATIONAL EDITORIAL ASSOCIATION AND OREGON STATE EDITORIAL ASSOCIATION

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RAY D. FISHER, Editor and Publisher

THE SILVERMAN CASE

At this writing the Silverman case which has been on trial in St. Helens for the past two weeks is in the hands of the jury, whose deliberations have already lasted an entire day. Whatever verdict or lack of a verdict will have been reached by the time this issue is in the mails, the trial illustrates some of the weaknesses of procedure in criminal cases in circuit courts.

The theory upon which trial by jury in criminal actions is based is fair enough to be above dispute. Twelve impartial and qualified men are selected by lot to determine what the facts are with reference to the guilt or innocence of the accused person. They alone without influence from any outside source are the final authority as to what the facts are.

In practice, however, criminal trials in circuit courts are not wholly unbiased investigations as to facts, but in large degree tests of skill between district attorneys and their staffs on the one hand and counsel for the defense on the other. If a district attorney can secure a conviction his reputation is enhanced—and the flimsier the evidence the greater his achievement if he wins. Should the victory go to the defense, the attorneys for the accused are in line for congratulations and more business. The cleverest criminal lawyer is he who can secure acquittals despite the most convincing evidence against his clients.

The test of skill begins sometimes with the naming of the judge, and always includes selection of the jury. It continues throughout the trial by objections to testimony, objections to rulings of the court, cross-examination of bewildered witnesses. Often it reaches its climax in an emotional appeal to the jury, wherein facts are smothered by oratory, and the judge who scrupulously excludes from consideration testimony which does not bear directly upon

the case has to sit mute while the lawyers expatiate upon any remote phase of the matter that they may think will impress the jurors. So wide a latitude do attorneys have that in a murder trial in Hood River not long ago the counsel for the defense pled almost tearfully for himself, who could afford only threadbare garments.

No such theatricals, it is true, marred the Silverman trial, but especially in the preliminaries there was plenty to show the need for court reform. District Attorney Storla and Attorneys Lonergan and Foote played the game according to the rules, and are in no sense personally blameworthy—but what of the rules? The sparring began, in this instance, in the designation of a presiding officer. The defense filed an affidavit of prejudice against Judge Zimmerman, under whose jurisdiction the case would normally have come, because he would not grant a change of venue to Multnomah county. Two judges named successively from Multnomah county were in turn disqualified by Mr. Storla because of the fear that they would grant the change of venue. A third judge was named from Multnomah county, but Mr. Storla, having exhausted his right of protest, had to accept him. The first round in this boxing match went to the defense.

The pretext for requesting change of venue was thin enough—convenience to witnesses, and county prejudice because of an innocuous reference to Silverman in the St. Helens Sentinel-Mist. The real reason, of course, was advantage to the defense in the selection of a jury. To Judge Crawford's credit he denied the request, and the trial was held St. Helens. The second round went to the prosecution. In a sense the defense won in the designation of a judge, but their victory was of no tactical advantage because Judge Crawford was absolutely fair to both sides throughout the trial, just as Judge Zimmerman would have been.

There followed, as there always follows, maneuvering in the selection of a jury, the district attorney eliminating as many as possible who he thought might vote for acquittal, and the defense attorneys excusing those who seemed to them to have a leaning towards conviction. When peremptory challenges were exhausted, or nearly so, both sides had to accept what they could get, as in the case of the judge.

And so the match went on, from round to round, and the result yet to be disclosed. Possibly sometime in the future an aroused public opinion will demand that judges be not shuffled around at the whim of attorneys who are concerned not with prejudice against but lack of prejudice for their sides, that the personnel of juries be determined by an impartial judge, as in the federal courts, and not by partial attorneys on either side, that technicalities be subordinated to careful investigation of facts, and that appeal be made to intelligence and not to emotions. Such reforms are essential if laws are to be fairly and adequately enforced, and none but the guilty are to be punished for infractions.

Ugly Duckling Which Nobody Wanted Now a Sire of International Repute

(St. Helens Sentinel-Mist)
"We needed a bull," succinctly stated Melvin Schwab of Deer Island in relating how the two-time grand champion Guernsey bull came into his possession, and Jarvis Davis, Yankton livestock dealer supplied the earlier links of the chain of circumstances which have made Schwab an enviable figure among his fellows and indelibly written the name of Columbia county into national livestock records.

A man wanted a span of mules, Davis said. He had the mules but the prospective buyer didn't have the cash. He did have, however, a rather scrawny looking bull whose underfed, unkempt appearance belied his breeding. "I was looking for beef," said Davis, "and he didn't look like beef to me, so the man agreed to find a buyer for him and turn in the cash. He was not successful, so in the end I took the bull. That was in May. He weighed in at about 1100. I fed him up and by September he tipped the beam at 1600 and I exhibited him at the Columbia county fair."

Here is where Schwab came in to the picture. He saw the animal, and thanks to his earlier training in stock judging through 4-H club work, recognized the animal's points. "Here," said Melvin to himself, "is the sire I am looking for." He took the matter up with his father. The senior Schwab was not greatly impressed. "The animal is too beefy," was his comment. But Melvin wasn't looking at the beef. He was looking at the points which generations of breeding had emphasized, and he won his point.

Months of care turned the animal which its original owner had been anxious to sell for \$40, into a contender for honors in his age class at the various fairs. Last year at the Pacific International Livestock exposition, Melvin and his well-fed, well-groomed charge stepped out and won first place over a blue-blood Guernsey which had won the grand championship at the American Royal Stock show at Kansas City. It was a complete vindication of his stock-judging ability and a tribute to 4-H club leadership and training, and to those who had been his mentors, Melvin graciously gave all credit.

Shipley, W. O. Burro, A. M. Leach, Emil Messing, W. E. Warden and S. F. Warden.

The beer petition which was being circulated in Forest Grove will be held up by its sponsors pending action the extra session of the legislature may take with regard to liquor legislation.

Again this year Melvin and his ugly duckling duplicated the feat of 1932, one which is believed to be without parallel in national stock show records. The animal is now seven years old, weighs around 1700, and has proven that his breeding is not merely in appearance. He has demonstrated that point in his get which are now coming into the limelight in the junior classifications.

In speaking of the ultimate termination of the mule-bull episode, Davis was glad that the animal had fallen into such capable hands, to become a sire of national repute, instead of just another bologna bull weighed in at the Portland stockyards.

Melvin is a son of Mr. and Mrs. A. A. Schwab, and lived with his parents on a farm near Birkenfeld before they moved to Deer Island.

Treharne

Mr. and Mrs. Wm. Hayden and children Eve Jean and Floyd of Astoria were Sunday guests of Mr. and Mrs. Lester Greene.

Mr. and Mrs. Leonard Smith and children from Dallas were Sunday callers at the home of their brother and sister, Mr. and Mrs. H. M. Smith.

Mrs. McDaniel, who fell and injured her hip some time ago, is getting better.
Lee Johnson and son motored to Portland Friday. They went to see Mrs. Johnson, who is at St. Vincents hospital. She is getting along nicely.

Mr. and Mrs. E. Sunell and family visited with relatives at Astoria over the week end.

Lillian Murphy was the guest of Ethel Spencer over the week end.

Mr. and Mrs. Frank Barnes

from Tualatin visited with relatives over the holiday.

Several parents attended the program in Miss Hanson's room Friday afternoon.

Mr. and Mrs. Robert Spencer and daughter Ethel and Lillian Murphy motored to St. Helens Saturday.

Mr. and Mrs. Bob Barnes have moved back to their home at Tualatin.

Frank Warfield is serving on the jury at St. Helens.

Personal

Phoebe Greenman, who spent Thursday evening and Friday at her home here, attended the football game in Portland Saturday and returned directly to the University of Oregon with friends.

Clever hand-made gifts for men, women, children, infants. Prices from a few cents up. Nehalem club bazaar. Mac's Pharmacy, Saturday, Nov. 18. Adv.

Warren T. Eld of Portland was arrested by Marshal Earl Smith Sunday night for disorderly conduct and resisting an officer and was fined \$10 by Judge C. F. Hieber.

Mrs. A. C. Knauss has been staying with friends in Portland since her release from Emanuel hospital Saturday. She will probably be able to return to Vernonia within a week or two.

Mrs. Herman Veal, Mrs. L. L. Wells and F. Claude Stevens attended the one-day convention at the First Christian church in Portland Monday. Tom Graves accompanied them, driving Mrs. Veal's car.

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Among Our Neighbors . .

Litigation between the Columbia county court and the Columbia River-Longview Bridge Co. was ended Monday by compromise, whereby the county will get \$8,000 immediately for the 1931 taxes with the promise of about \$16,000 more for the 1932 and 1933 taxes within a short time.

The \$100 cash prize won by the Columbia county exhibit at the Pacific International Livestock exhibition will be divided among the Warren, Chapman, Beaver Homes and Beaver Valley granges, which joined in preparing the display.

An ordinance has been prepared in St. Helens for submission to the city council providing for the licensing of every kind of business conducted in the city.

The St. Helens city council went on record Monday night as opposed to state control of liquor

LODGES

A. F. & A. M.
Vernonia Lodge No. 184
A. F. & A. M. meets at Masonic Temple, Stated Communication First Thursday of each month. Special called meetings on all other Thursday nights 7:30 p.m. Visitors most cordially welcome.
Emil F. Messing, W. M.
F. D. Macpherson, Secretary

Order of Eastern Star
Nehalem Chapter 153, O. E. S.
Regular communication first and third Wednesdays of each month, at Masonic Temple. All visiting sisters and brothers welcome.
Mrs. A. J. Hughes, W. M.
Leona McGraw, Sec.

Pythian Sisters
Vernonia Temple 61 meets every 2nd and 4th Wednesdays in W.O.W. hall.
Florence Nanson, M. E. C.
Clara Kerns, M. or R. C.

licensing and regulating. A resolution addressed to Representatives O. Henry Oleen and Fred W. Herman requested, "In any legislation pertaining to spirits and malt liquors, the control of the sale and distribution be left entirely to city legislation."

Reconditioning of the shingle mill at Rainier is under way, and J. A. Wasser, one of the new owners, has arrived to take over the management.

W. J. Burns, a prominent member of the Beaver Valley grange, died after an operation in a Portland hospital Nov. 6.

The Clatskanie city council next year will have as one of its members a woman, Mrs. Audrey Langlois. Other members elected Nov. 7 were R. R. Jubenville, Geo. Dye and Chas. E. Culbertson.

Ten Years Ago . . .

Vernonia Eagle, Nov. 16, 1923

The main entertainment and attraction on Armistice day was at the Grange hall, where the Women's Relief corps served a full chicken dinner to all the ex-service men and their families.

The editor took a two day trip last week visiting the background of Vernonia. At Keasey he saw Bruce McDonald building a siding for the East Side Logging Co. and at the L.P. met Josh Rose, who was playing with a big locomotive, Mike Lynch and several other Vernonia citizens.

Negotiations have been completed for building a \$25,000 Klan hall in Vernonia. Stock is

being sold to Klansmen at \$5.00 a share.

Attorney J. W. Day of St. Helens was appointed Vernonia city attorney at the council meeting Monday night.

The Vernonia Volunteer Fire department was organized Nov. 13. Officers are J. A. McCleod, chief; E. Smith, captain; Howard Steiner, secretary-treasurer. Charter members are K. M. Hall, P. Cline, E. S. Thompson, C. W.

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By GEORGE STORM