

SUPREME COURT OPINIONS

Four Decisions Handed Down, and Orders Made

Thomas Jefferson Sentenced to Be Hanged in Josephine County Gets a New Trial

The supreme court this morning handed down four decisions, and adjourned for the summer recess. The cases decided were:

A. F. Backhaus, appellant, vs. F. W. Buella, et al., respondents; appeal from Marion county; Hon. G. H. Burnett, judge; affirmed. Opinion by Chief Justice Moore.

This was an action to recover for crops sold under contract, and not delivered. Buella claims that plaintiff did not live up to the contract, and refused to furnish money to harvest the crop, when the contract was rescinded. The trial resulted in a verdict for the defendants, and a judgment for Buella for \$2500 and \$49.77 damages, and plaintiff appealed, alleging error in the court's refusal to admit testimony, but the appellate court finds no error, and affirms the decision.

The State of Oregon, respondent, vs. Thomas Jefferson, appellant; appeal from Josephine county; Hon. H. K. Hanna, judge; reversed. Opinion by Associate Justice Wolverton.

Defendant was convicted of the murder of B. Schenckel, by shooting him, and was sentenced to be hanged. He appealed, alleging error in instructions to the jury, the trial court holding that he should have attempted to retreat instead of killing his adversary when the latter threatened to shoot. The appellate court held this instruction to be error, and reversed the case with instructions to give the defendant a new trial.

Held, Murdoch & Co., appellant, vs. Alaska Fishermen's Packing Co., respondent; appeal from Clatsop county; reversed. Opinion by Associate Justice Bean.

Matthew Goldard, appellant, vs. J. I. Marshall, respondent; appeal from Multnomah county; Hon. A. L. Frazer, judge; reversed. Opinion by Associate Justice Bean.

Orders were also made in the following cases:

C. D. Bergman, respondent, vs. Inman, Poulsen & Co., appellants; appeal from Multnomah county; reversed July 6, 1933; petition for rehearing denied.

The Union Street & Suburban Railway Co., vs. The First National Bank of Union; appeal from Union county; motion for a final decree allowed.

Herring, Hall, Marvin Co., respondent, vs. J. R. Smith, appellant; petition for rehearing denied.

In the matter of the estate of C. O. Smith, deceased; motion to dismiss appeal overruled.

Gottlieb Schmoltke, et al., respondents, vs. George Koller, appellant; on motion to dismiss appeal; motion overruled.

Buy French Prairie Land.
Gervais, Or., Aug. 3.—There has been a heavy influx of newcomers into the French Prairie section the past few months, and the transfer of large holdings, representing \$10,000 and \$20,000, are noted, besides many ranging from \$3000 to \$5000. There are many Hungarians settling in this section, and a greater immigration is expected.

Cougar Took Possession.
Kelso, Wash. Aug. 3.—A cougar seven feet and four inches in length was killed near Yale, on Lewis river, last Wednesday by a Mr. Williams, who had returned from berry-picking with his wife, when they found the animal in possession of their residence the entrance of which was disputed in a very determined manner by the cougar.

Dragged by a Runaway Horse.
Roseburg, Or., Aug. 3.—Near Oakland Louis Johnson fell from a horse and was evidently dragged by the animal, being frightfully cut about the head. Three of his ribs were broken. He lay in an unconscious state for 18 hours, and his condition is very precarious.

For a real good 25-cent dinner, just try George Bros. restaurant, State street. Open day and night.

Go to Stroud's restaurant for your meals, and you won't be sorry for it. They also run a bakery in connection with the restaurant.

MARY BAKER G. EDDY

Expresses Her Sympathy Over the Death of the Pope

In response to the following letter from the editor of the Concord Evening Monitor, Mrs. Eddy gave out the statement which appeared in the Monitor and in the leading papers throughout the country:

Concord, N. H., July 20, 1933.
Rev. Mary Baker Eddy, Pleasant View.
My Dear Mrs. Eddy—In case you care to make any public comment upon the death of Pope Leo XIII, which occurred at Rome this afternoon, the Monitor would be pleased to become the vehicle to transmit your tribute to the public.

Faithfully yours,
GEORGE H. MOSES.

Mrs. Eddy Expresses Sympathy.

The sad, sudden announcement of the decease of Pope Leo XIII touches the hearts and will move the pen of millions. The intellectual, moral and religious energy of this illustrious pontiff have moved the Church of Rome for one quarter of a century. The august ruler of 255,000,000 human beings has now passed through the shadow of death into the great forever. The court of the vatican mourn him; his relatives shed "the unavailing tear"; he is the loved and lost of many millions. I sympathize with those who mourn, but rejoice in knowing our dear God comforts such with the blessed assurance that life is not lost; its influence remains in the minds of men, and divine love holds its substance safe in the certainty of immortality. "In Him was life; and the life was the light of men" John, 1:4.

MARY BAKER G. EDDY.

Pleasant View, Concord, N. H., July 20, 1933.

Arresting Babies.

Edgar Welch, aged nine years, a son of Thomas Welch, of Englewood, was arrested on Saturday afternoon, on a warrant issued at the instance of W. T. Ramsden, charging the lad with the larceny of a bicycle tire. The boy pleaded guilty. The boy was accused of tearing a tire off the bicycle belonging to his cousin, Miss Oda Welch, the step-daughter of Mr. Ramsden, and not the sister of the lad, as has been stated. Mr. Ramsden's wife and step-son are in Everett, Wash., and had nothing to do with the case. Young Welch's case will be disposed of at 3 o'clock this afternoon, when an effort will be made to commit him to the reform school. The lad is small for his age, and he was accompanied by his father in court.

General Strike in Spain.

Madrid, Spain, Aug. 3.—The threatened general strike of the trades unions began today in many large cities, including Barcelona and Cadiz. The immediate motive is to re-enforce the demand to release the labor leaders, who were thrown into prison in connection with the recent strike. Guards have been doubled, and troops sent out to many localities. At Alcala shots were exchanged, and the mayor's residence was attacked by strikers.

San Francisco Quakes.

San Francisco, Aug. 3.—An earth quake, lasting nearly 30 seconds, was experienced here at 10:50 last night. The earthquake was of the longest duration in many years. It was not of a violent character, and reports of damages are not looked for. Other California points felt the shock. Stanford University reports that the shock last 45 seconds.

Pretender Dead Again.

Tangier, Morocco, Aug. 3.—It is reported that the pretender, Bu-Hamara, has died of his wounds. He has been reported dead a number of times since he first raised the standard of revolt in 1932.

Judgment for Plaintiff.

Justice of the Peace Horgan this afternoon decided the case of A. D. Palmer vs. Salem Canning Co., in favor of the plaintiff. The action was brought to recover \$15.39 in payment for cherries delivered by Mr. Palmer to the local cannery.

Kaiser's Yacht Won

Cowes, Isle of Wight, Aug. 3.—In the annual regatta of the Royal Yacht Club today, the Kaiser's Meteor won in the schooner class, taking the cup valued at \$500. She easily outdistanced her rivals. The king and queen, and hundreds of distinguished spectators, were present.

A lodge of Odd Fellows was instituted at Yoncalla Saturday night.

CHARGE FOR NECK SHAVING

A Five Cent Additional Perquisite for the Barbers

The Salem Barbers' Union has put into effect a new rule since August 1st that involves the parting of a nickel from its owner when he parts with the growth of his ruseite appendage on the back of his neck. Of course, if he gets all over tonsorial attention, the neck-shave goes in free, but if he gets just a plain shave three times a week, and wants his neck shaved each time, it will be five cents extra and the call at the tipping of the chair will not be "next," but "neck" hereafter.

One barber shop refused to put the extra charge in force, and the Union has declared war, and one union man has walked out. But there is hope of an adjustment that will put an end to the warfare over the elusive nimble nickel.

A member of the Union explained this morning that in reality the extra nickel did not amount to anything, as they gave a neck shave free every time the hair was cut, or anything done that made a bill for service above 15 cents. "We want to cut out the unnecessary neck-shaving," said the knight of the lather-mug, "as we lose about four dollars' worth of time on a busy day with unnecessary neck-scraping, as the rule now is to shave every man's neck, whether it needs it or not. Of course, there are men with a big neck who grow a regular mane, and have to be shaved more than once a week, but ordinarily once-a-week is all that is required to keep a man's neck looking clean and tidy." He further added that it was strange that a barber, more than any one else, should be asked to do a whole lot of unnecessary work for nothing.

About a year ago the international scale was adopted at Salem, fixing 10 cents for a back of the neck shave, but that was abandoned by the Union, as too high. But they seem to be a unit in standing for a nickel, and will fight it out, in the hope of educating the public, and all the barbers, to see the justice of the fee.

A San Francisco druggist has been sued by an irate patron, because a bottle of hair preparation purchased by the latter turned his hair a beautiful salmon color. Does the man want the earth? and isn't any color good enough, so long as it is red?

They Want to Appear

The initiative and referendum case, coming in the supreme court in a short time, is attracting more interest since some of the leading men in the state are taking an interest in the matter and are asking the court to be allowed to appear in the case as friends of the court, and assist in the argument. This move was entirely unlooked for, and would indicate that the friends of the initiative and referendum are not asleep, and will spare no efforts to secure an upholding of the will of the people, expressed at the polls last year when the amendment was adopted by a good round majority by the electors of the state. A number of leading attorneys, as stated above, have asked to be permitted to come into court and assist in presenting the case, and advising the justices in the matter, the following petition, filed in the supreme court on Saturday, showing the intention of these able gentlemen: "In the Supreme Court of the State of Oregon:

"A. A. Kadderly, et al., appellants, vs. City of Portland, et al., respondents:

"The undersigned petitioners respectfully represent to the court that there are two questions of law in the above entitled cause, as decided by the circuit court of Multnomah county, that are of great public importance, and in which questions your petitioners are very much interested, to-wit: "First, the question as to the legal submission and adoption of the amendment to section 1 of article 4, of the constitution of the state of Oregon.

"Second, the question as to the power of the legislative assembly to declare the existence of an emergency, and to provide that a law shall take effect and be in force from and after its approval.

"Wherefore, your petitioners pray that an order may be entered by the court allowing your petitioners to appear in said cause amici curiae; file a brief and make oral argument before the court on said questions.

"And your petitioners ever pray, etc.

"W. S. UREN,
"JOHN H. MITCHELL,
"J. C. MORELAND,
"GEO. H. WILLIAMS,
"GEO. C. BROWNELL,
"C. E. S. WOOD,
"J. N. TEAL,
"C. W. FULTON,
"TILMON FORD,
"JOHN B. WALDO."

Circuit Court Business

Both departments of the circuit court are in session today. Judge Burnett convened the first department at 9 o'clock this morning, and heard several motions in the case of F. J. Eldridge vs. Hoefler & Zorn, a damage suit tried a couple of weeks ago, and which resulted in a verdict for Mr. Eldridge for \$1500; a motion was filed for judgment for the defendants, notwithstanding the verdict, and the same was argued. The court adjourned at 10 o'clock to 1:30 p. m., when the case was again taken up.

At 10 o'clock Judge Boise convened his department for the July term, and the day was spent in disposing of motions and setting cases for hearing. The orders made by the court, up to 2 p. m., are as below:

J. A. Baker vs. Williams & England Banking Co., receivership; petition of Ladd & Bush dismissed without prejudice; petition of state demurred to.

M. M. Ellis vs. T. J. Ford, for money; dismissed for want of prosecution. Tilmon Ford, executor, vs. A. T. Gilbert, et al., accounting; report of receiver filed.

C. K. Cranston vs. J. P. Farmer, et al., confirmation; sale confirmed. C. Potee vs. Jane Potee, divorce; default; trial Tuesday 10 a. m.

Chemeketa Lodge No. 1, I. O. O. F., vs. J. H. Ware, et al., confirmation; confirmed.

Mamie P. Brown vs. J. M. Wadsworth, et al., confirmation; confirmed. Susan G. Cosgrove vs. Emeline E. Wagner, et al., partition; objections to report of referee filed.

Chas. Harding vs. Merling and Clara Harding, to quiet title; demurrer to complaint to be submitted Tuesday at 2 p. m.

E. P. McCormack vs. John Moir, et al., foreclosure; settled.

J. S. Graham, et ux., vs. C. T. Bonney, et al., to foreclose bond; settled and dismissed.

Julina Birchard vs. William Birchard, divorce; trial Thursday at 10 a. m.

Willard Jefferson vs. Horton H. Havird, et al., to quiet title; trial Friday at 10 a. m.

Louisa Forstner vs. Rosa Kyle, et al., to quiet title; settled.

Donna B. Snyder vs. B. F. Snyder, divorce; default.

Corn Whorley vs. A. H. Whorley; trial Tuesday at 2 p. m.

C. R. Moore vs. Delia N. Moore, divorce; default; trial Tuesday at 2 p. m.

In the matter of the estate of Wil-

liam F. West; appeal from circuit court; trial August 6th, at 2 p. m.
Frank Hog vs. Henry Wenderoth administrator, et al., confirmation; confirmed.

Colima In Eruption

Mexico City, Aug. 3.—A disaster from Colima Sunday states that Colima volcano is in eruption. Clouds of smoke are issuing from the volcano, and are being carried to the northward by a strong wind from the sea. It is believed that already a flow of lava has occurred, but the smoke that surrounds the mountain makes it impossible to determine exactly what has happened.

The outbreak has been accompanied by loud detonations. No reports of serious damages have been received, but the people in the villages are greatly alarmed, and many have left for other districts.

Inviting Immigration.

New Orleans, Aug. 3.—The Southern Pacific is extending its reach, establishing immigration bureaus in almost all the countries of the world. It is expending large sums to colonize the rice and tobacco lands of Louisiana and Texas. Through transportation has been arranged from Cape Hatteras for \$114, to encourage the Boston recolonize.



Cooling as a shower on a hot day

Hires Rootbeer

Sold everywhere or by mail for 25 cents. A package makes five gallons.

CHARLES E. HIRSH COMPANY, Baltimore, Pa.

Estray Notice.

Notice is hereby given that I have taken and impounded the following described animals running at large within the city of Salem, to-wit:

One yearling steer, Jersey grade, marks or brands, white legs, tail, belly.

The owner of said animal can have the same by proving property and paying the charges and expenses of taking up and holding, and in default thereof for five days I proceed to sell the said animal at public sale as provided in ordinance No. 200 of the said city.

Dated Salem, August 1, 1933.

D. W. GIBSON, City Marshal.

A \$12.00 SUIT FOR \$7.00

is not an every day opportunity, but during our summer clearance sale, we make many such offers. In the lot of suits now reduced to \$7, you'll find suits that were \$10, \$11, \$12, or \$12.50. The lot reduced to \$8.50 and the lot reduced to \$10, \$12, 14, \$16.50, etc., are each full of just such bargains.

All our Summer Suits, this season's choicest patterns, are included in this lot.

Over 200 suits ought to enable one to find his size in a desirable pattern, but but when there's only one or two of a line, there's no telling how soon the other fellow who's just your size will snap up the very suit you'd like to have. Better lay aside that shabby old suit that makes your wife ashamed of you, and don a new one while they're cheap.

For Campers



Salem Woolen Mill Store
C. P. BISHOP, PROPRIETOR.

Read Every List



Those Queer Mexican Hats

are going to every coast and mountain resort in Oregon. Old and young of both sexes are enjoying them. Over 40 of them have gone from our store to the employees of one firm in Portland. The 84 dozen already ordered will not hold out. No one can afford to be without them at 25 cents.

Bathing Suits	Bathing Trunks	Negligee Shirts	Sweaters
Men's extra quality woolen bathing suits	Men's and Boy's sizes	Just what you need for the mountains or coast	Men's and boy's sizes Plain and fancy patterns
\$3.00	25c.	50c. to \$2.50	50c to \$4.50

Salem Woolen Mill Blankets

For camping at from \$3.20 per pair up Cotton blankets, not our own make, at 75 cents up.

Men's Dusters	Summer Coats	Summer Vests	Belts
Sizes 34 to 52	We have special lengths for tall or short men	Men's White Vests, also a fine assortment of patterns	Wear a belt and leave off your coat these warm days
\$1.25 to \$4	\$1.25 to \$4	\$2 to \$3.50	25c to \$1
Boy's Wash Suits	Children's Sailor	Boy's Shirts	Boy's Waists
To close at	Hats to be cleaned out at	With soft bosoms and two detachable collars and cuffs. Special value at 60c	Ages 4 to 11
\$1.00	Half Price		50c and up
Were \$1.25 and \$1.50			