

CITY EDITION

La Grande Evening Observer

THE WEATHER OREGON: Fair in east, cloudy west portion tonight and Friday. Light local frosts in east portion tonight.

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LA GRANDE, OREGON, THURSDAY, APRIL 21, 1927.

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COMMISSION PLAN TO GO ON BALLOT

La Grande Citizens to Vote on Amendment to Charter on June 28

ESTIMATE GIVEN ON SWIMMING POOL

Improvement Districts Up for Hearing—No. 165 Advanced in Spite of Objection Made.

The La Grande citizens will go to the polls on June 28 not only to vote upon Governor L. L. Patterson's income tax plan, but also to decide whether three or five commissioners shall comprise the city's executive body.

The city commission, in executive session last night, passed resolutions and ordinances providing for the holding of a special municipal election that day and a ballot title, prepared by City Attorney George T. Cochran, explains the proposed amending of the charter so as to provide for the election of four commissioners from precincts and one at large.

A test vote was held some time ago to determine whether the majority of La Grande residents favored the five-commissioner plan and the vote was decisively in favor of such a change. In view of the sentiment has changed, indications are that this charter amendment will carry at the June election, it is said.

Pool Estimate Received

An estimate, prepared by the city engineer, was presented to the commission in connection with the petition for a municipal swimming pool near the deep wells on Second street. Total cost of such a pool, including lockers, showers, etc., was placed at \$13,320.

At Andrews, who fathered the swimming pool idea, was present and requested that the matter be continued a week so that he could enter an estimate. This was allowed.

The hearing of sidewalk district No. 162 was continued for another week. This is the district objected to by the La Grande Irrigation company last week.

Objection Overruled

District 162, providing for sidewalks in West La Grande, was taken up and objections entered by a property owner was overruled after some discussion. The city recorder was authorized to call for bids to be received May 4.

A hearing was held on district 166 and no remonstrances were received. It, too, was ordered advertised, bids to be received May 4.

Improvement district No. 167 was created and May 25 was set as a time for hearing remonstrances. This provides for mac-

(Continued on Page Five)

CONTRACT LET FOR ERECTING PARK BUILDING

A contract was let for a park building or rest house to be built at Enright Springs park, near Mageshon, to Erick and Veltiel, of Pendleton, during this week's meeting of the state highway commission in Portland. The amount of the bid was \$19,314.50.

The building will be a two-story structure of logs, including a large lobby, showers, and a kitchen. There will be a balcony upstairs and a few sleeping rooms. In addition to the building itself the plans call for a pump house, to furnish lights and water for the building.

Work will probably not start for a month. It will be completed this year.

"STARTS AND STOPS"

Population is always moving. Some people are moving to other towns and cities. Others are leaving former homes and coming to La Grande. In the circulation department of The Observer is found constant evidence of the change—but the "starts" are always far greater in number than the "stops."

To the circulation manager that means a very obvious growth in population—new people, new citizens, new prospective customers for the business men of the community. Naturally these new families familiarize themselves as rapidly as possible with the community life by subscribing to the community's daily newspaper. And naturally the advertising managers therein will have a marked increase in their future buying habits.

"Observer Advertising—A Merchandising Service"

Load Limit Now 10,000 Pounds On Old Oregon Trail

Highway Department Hopes to Be Able to Remove All Restrictions in Fortnight.

After having a load limit of 6500 pounds, including load and vehicle, on the Old Oregon Trail highway between La Grande and Pendleton all this spring because of the condition of the road the restriction has been raised to 10,000 pounds effective today. Oscar Cutler, state highway engineer here announced this morning.

The new load limit will permit any vehicle and load of 10,000 pounds or less to travel over the highway. It will probably be possible to lift all load restrictions from this section of highway in two weeks time, according to Mr. Cutler.

The highway, which was in a very bad condition early in the spring, is reported to be much better now. The frost is leaving the ground and the highway drying rapidly.

OPERETTA STAGE SET FOR TONIGHT

Matinees Held This Afternoon and Tomorrow for Grade Children

The final dress rehearsal has been held and everything is in readiness for the first presentation of the operetta, "The Captain of Plymouth," by the high school girls club this evening.

The doors will open this evening at 7:30 o'clock and the curtain will go up at eight. So that all grade school children may see the operetta a matinee is being held this afternoon in the high school auditorium, and another will be held tomorrow morning at ten o'clock.

A report on the ticket sales was given this morning when a high school assembly was held for that purpose.

50 In Cast

More than 50 high school students will take part in the production, there being a chorus of 40 voices, in addition to the cast. Special choruses, which have been working for some time on songs and dances will be one of the attractive features of the operetta.

A complete orchestra will accompany during the entire presentation.

Plumbing Shop Is Opened by Lynch

Karl Lynch has opened a plumbing shop on Pie street in the rooming previously occupied by the Candy shop.

Mr. Lynch has been employed in the plumbing shop here with Fred Spaeth for the past nine years. The new place will be known as Lynch's Plumbing shop.

Moco Eldorado Draws Big Crowd

A large crowd attended the opening night of the Moco Eldorado last evening at Legion hall. The show is an annual affair and is sponsored by the Moco club of the Moco's today, to raise money for the support of indigent members.

The doors open each evening at eight o'clock and dancing starts at nine. Paul Craver's orchestra furnishing the music. Mrs. W. H. Parkinson sang, accompanied by the orchestra, during the dancing last evening.

Prizes are given away each night.

BRUCE DENNIS BUYS KLAMATH MORNING NEWS

KLAMATH FALLS, Ore., Apr. 21 (AP)—Formal announcement of the sale of the Klamath News Publishing company, morning daily, to Bruce Dennis, publisher of the Evening Herald, was made this morning. Mr. Dennis took possession of the newspaper today and will conduct it along the same news and editorial policies which have prevailed since its inception.

Mr. Dennis in effecting the transfer, formed the Inland Publishing company, which in turn acquired the stock of the Herald Publishing company and the Klamath News Publishing company.

The Klamath News was organized in the fall of 1925 as a weekly. It soon changed to a semi-weekly, then to a tri-weekly, and finally, about a year after its organization to a daily.

Mr. Dennis entered the Klamath newspaper field last fall when he purchased outright the Evening Herald from E. J. Murray.

Mr. Dennis is a veteran Oregon newspaperman and former owner of the La Grande Observer. Purchase price of the News was not announced.

DAMAGE TO WHEAT CROP MAY BE HIGH

Umatilla Grain Drooping as Result of Tuesday Night Freeze

GRANDE RONDE IS HARDLY TOUCHED

Walla Walla, Spokane and Yakima Valleys Suffer Heavy Loss to Fruits and Vegetables.

PENDLETON, Apr. 21 (AP)—Damage to Umatilla county wheat will not be known for a day or so, following the severe cold of Tuesday night when the mercury dropped to 18 and 19 degrees. Drooping wheat was visible throughout the county but some farmers feel that warm weather and rains may bring it back to normal. Federation, which had reached the jointing stage, was hardest hit, while hybrid varieties suffered less. Ice three-quarters of an inch thick was reported in some sections.

GRANDE RONDE ESCAPES

Although wheat, fruit and garden crops were seriously damaged in the Inland Empire Tuesday night by below-zero weather and frosts, the Grande Ronde valley came through practically unscathed—due to the lateness of the season.

Fruit trees and vegetables are not far enough advanced to be hurt and in most cases vegetables are still unplanted. County Agent H. G. Avery has received no reports of damage to winter wheat.

WALLA WALLA HAD HIT WALLA, W.A., Wash., Apr. 21 (AP)—Walla Walla valley Tuesday night experienced the lowest temperature for this time of year in a period of 34 years, and irreparable damage to the soft fruit crops which in normal years make up more than 1,000 carloads for export.

Bellflower apples, "most delicate"

(Continued on Page Five)

Legion Post To Send Delegates To Weiser, Idaho

Six members of the American Legion post here and several from the women's auxiliary will go to Weiser, Idaho, tonight to attend a meeting of the Weiser legion post for the purpose of talking over state convention plans.

Weiser is the meeting place of the Idaho legion this year, and the post there has invited the La Grande legionnaires to attend the meeting and to tell something of their plans for the Oregon state convention, with the idea that it may help them in arranging the Idaho convention.

The dates of the Idaho convention were rearranged and made a week later than previously decided upon to enable the department of Oregon of that state to attend the Oregon convention. As first arranged the two state conventions were during the same week.

A meeting of the legion convention committee and the convention committee from the auxiliary was held here last night when the trip to Weiser was discussed.

About 400 flags to be used to decorate the streets for the convention arrived in the city yesterday.

Pastor Denies Any Rebuke By Church

NEW YORK, Apr. 21 (AP)—The Rev. Dr. John Rouch Stratton pastor of the Calvary Baptist church, today denounced as "utterly false" and "pure fabrication" published reports that the church board of deacons had called upon him to discontinue his writing on the Snyder murder trial for a New York newspaper.

"I do not have a statement to make," he said, "the officers of the church will handle that."

Reporter's Spouse Wants Her Freedom

PORTLAND, Ore., Apr. 21 (AP)—Eleanor Byrne today filed suit for divorce from Leon K. Byrne, former Portland newspaper reporter, who, she avers in her complaint, "sought the company of 'parlor pinks' and the intelligent, and spent most of his evenings in company of such persons discussing lofty theories of new freedom in manners, morals, economics and sociology." He added that this required her to remain at home "for the reason that her presence threw a wet blanket upon the otherwise congenial gatherings."

Byrne and his wife, former University of Oregon students were married April 19, 1925 after leaving the university.

Immediately after the marriage, the wife alleges, Byrne desired to give up his position with the local newspaper and engage in feature writing but continued his employment under protest until August, 1926.

He then began feature writing, she avers, and required and demanded perfect peace and quiet in the home in order to permit him to do his writing. He frequently left for week end trips in search of material for his stories and informed her that he did so because

Survivors Tell Of Robbing And Burning of Train

Estimate Jalisco Tragedy Deaths at About 100—Several American Escape Injury.

MEXICO CITY, Apr. 21 (AP)—Survivors of Tuesday night's train tragedy in Jalisco state, arriving here today, estimated the total dead at about 100, of whom 46 were members of the soldier guard and from 50 to 60 passengers. From five to seven Americans were on the train but none was injured.

The survivors, who reached here on a relief train, said the bandits or rebels who derailed the engine and then attacked the train shouted "Long live Christ the King!"

They robbed the express coach of 200,000 pesos, but did not lock the passengers in the burning coaches. After robbing the passengers they ordered them to leave the coaches, which were then set afire.

Wounded burned Some passengers and soldiers, however, were so severely wounded as to be unable to move. These were left within coaches and were burned to death. Three wounded soldiers survived of the military escort. They saved their lives by abandoning their insignia and posing as civilians.

The attackers poured a heavy rifle fire through the coaches after derailling of the train, which was bound from Guadalajara to Mexico City. The soldiers guard returned fire from the windows and platforms of the coaches until overcome. The bullets of the attackers are said to have caused the majority of the deaths among the passengers.

The charge that a priest directed the attack against the train was made by Patricia Villalobos, of Tepic, a passenger in the second class coach, who was among the wounded. Another, who charged boarded the train after the military escort had been ordered, ordering his men to kill all passengers suspected of being soldiers. Villalobos had one leg shattered. He escaped death in the fire through the assistance of a woman and Sergeant Isidro Anduaga, one of the three survivors of the military escort.

Soldiers fire Sergeant Anduaga, with five soldiers, fought the military car until his comrades were killed. Then unable to prevent the rebels from entering the car, he dropped to the floor, shamming death.

The rebels entered and knifed the bodies. Anduaga received thrusts in the ribs and legs. Two rebels remained in the car until it was in flames. After they left, Anduaga crawled back to safety.

Sergeant Filiberto Cabrera, another survivor, also said a priest directed the attack from an automobile. The rebels, he added, forced the passengers to shout "Long live Christ the King," killing those who did not obey promptly.

Cabrera, wounded, fled to the mountains as rebels moved but later returned and conducted to the rebel camp. Shortly afterward he

(Continued on Page 5)

SAPIRO SUIT ENDS TODAY IN MISTRIAL

Judge Discharges Jury Because Woman Member Was Interviewed

NEWSPAPER STORY CAUSE OF ACTION

Attorneys for Plaintiff and Henry Ford Discuss New Trial in the Judge's Chamber.

DETROIT, Apr. 21 (AP)—Attorneys for Aaron Sapiro and Henry Ford agreed with Judge Fred M. Raymond today to meet here Saturday, April 30, to determine whether a date for a new trial of Sapiro's \$1,000,000 libel suit against Ford could be agreed upon.

DETROIT, Mich., Apr. 21 (AP)—An order of mistrial granted upon motion of defense counsel, today brought to an abrupt halt Aaron Sapiro's \$1,000,000 libel suit against Henry Ford.

Judge Fred M. Raymond ordered the jury discharged and instructed a mistrial be entered upon plea of Stewart Hanley, heading the Ford defense in the absence of Senator James A. Reed of Missouri, that Mrs. Cora Hoffman, eleventh juror chosen when the trial started six weeks ago, had granted an interview, the substance of which appeared in last Tuesday's Detroit Times.

Judge Raymond expressly cleared Mrs. Hoffman of allegations made in a series of affidavits by Ford detectives and other employees that she had discussed a \$10,000 bribe with "Kid" Miller, and that she had wrongly stated she was a qualified juror and asserted disbelief that Sapiro had indulged in any misconduct as asserted in the affidavits.

Discuss New Trial Judge Raymond immediately invited counsel for both sides into his private chambers to discuss steps looking towards a new trial.

"I am extremely loath to grant a motion for mistrial," asserted the judge after William Henry Gallagher, chief of counsel for Sapiro, and Hanley had debated the motion at length.

"Up to the time that the public press interfered with the functions of this court, the court believed no mistrial should be granted."

"It is deeply regrettable and deplorable that a case which has cost as much money and labor should come to this conclusion."

That when that newspaper report became known it seemed, and seems now impossible to proceed," Gallagher in a formal statement last night disclaimed any intention to come into court today and argue against the part of the motion for a mistrial based upon Mrs. Hoffman having granted the interview. However, promptly at the opening of court he launched into an argument against the motion that when he stated in conclusion it was not such an appeal, Hanley was taken by surprise and had to have the court reporter read to him Gallagher's final remarks.

READ IN HOSPITAL

DETROIT, Mich., Apr. 21 (AP)—Senator James A. Reed, of Missouri, chief of counsel for Henry Ford in the \$1,000,000 libel suit brought by Aaron Sapiro was taken in an ambulance to the Henry Ford hospital early today.

Richard J. Higgins, former Kansas City judge, associated with Senator Reed in the Ford defense, announced that the senator suffered a rupture of the abdominal aorta which attacked him as he returned to Detroit from Washington last Monday and decided to go to the hospital for a thorough physical examination.

Senator Reed fully clothed, scaled from his hotel room to the ambulance, said Higgins, who denied that Senator Reed's condition might be regarded as serious.

Bank Is Closed At Bend, Oregon

BEND, Ore., Apr. 21 (AP)—The First National bank of Bend remained closed today, in charge of W. C. Crawley, national bank examiner. An audit is under way, and when it is completed a statement will be issued. Closing of the bank yesterday was followed by announcement that it was due to depletion of reserves.

Two Cadet Flyers Killed in Plunge

NEWPORT NEWS, Va., Apr. 21 (AP)—Richard W. Kannon, of Boston, and Wilbur P. Bingham, of New York, were killed today when their seaplane crashed into Chesapeake bay between the Rip-raps and Willoughby Spit. Their body were recovered two hours afterwards. The men were cadet flyers at Hampton Roads naval base and were on a training flight when the accident occurred.

Arizona Officers Face Investigation

WASHINGTON, Apr. 21 (AP)—An investigation into the activities of federal officers in Arizona will be made by the civil service commission, probably during the fall

SPECTRULAR

'Cover-Up' Plot Is Suspected in Hollywood Case

Coroner Nance to Investigate Fully All Events Which Resulted in Comedian's Death.

LOS ANGELES, Apr. 21 (AP)—The coroner jury investigating the death of Ray Raymond, actor, following a fist fight with Paul Kelly, screen juvenile, today returned a verdict that Raymond met his death as the result of an encounter with Kelly and with the latter the aggressor.

LOS ANGELES, Apr. 21 (AP)—Sensational details surrounding the death of Ray Raymond, musical star, following a fist fight with Paul Kelly, screen juvenile and under indictment for murder, were premised at today's inquest as Coroner Frank Nance planned to investigate an alleged plot to "cover up" facts in the case.

The belief that a concerted attempt has been made to suppress vital facts immediately after Raymond's death, was expressed by Coroner Nance yesterday when he announced that this phase of the case would be thoroughly lifted at today's inquest.

Murder Charge Made A murder indictment was returned against Kelly yesterday following a grand jury investigation of the actor's death. The bill was returned within a few minutes after Raymond's widow, Dorothy Mackaye, stage actress, had finished her testimony.

Miss Mackaye, who has admitted that her friendship for Kelly was the cause of the trouble between the screen player and her husband, collapsed in the witness chair. As she was being assisted out of the grand jury room she learned of the jury's action.

Woman Unconscious "It can't be true," she screamed as she sank to the floor. She was rendered unconscious for a time by striking her head against the marble corridor.

For three hours Miss Mackaye was wrilled in the grand jury room. Her recital was frequently interrupted as the actress became hysterical. Her testimony was said to have reached its climax when she admitted that she was with Kelly when he called her husband on the telephone last Saturday night.

Kelly hung up the receiver and dashed over to the Raymond home where an argument between the two men led to the fatal beating.

Miss Mackaye was quoted as saying she had gone to Kelly's apartment with a companion, Miss Helen Wilkinson, in the afternoon and that she remained there while the fight was taking place. In a previous statement to police she said she had left her home Saturday night to buy Easter eggs for her four-year-old daughter and

(Continued on Page 5)

HANKOW RIOTING, LOOTING THRIVES

Foreign Warships Ready to Open Fire Immediately If Occasion Arises

SHANGHAI, Apr. 21 (AP)—Rioting and looting are prevalent in Hankow, said a wireless dispatch from that city today, with a panic imminent. Eighty-five Americans were hugging the edge of the foreign settlement, reluctant to desert their property yet fearful to venture far inland.

It was learned authoritatively that if the Chinese at Hankow should attempt a repetition of the Nanking outrage, the foreign warships would act without delay. Among the foreign war craft anchored in the Yangtze river off Hankow at the present time are eight American vessels: The Inohel, Cincinnati, Noa, Peble, Puffet, Monocacy, Pigeon and Villalobos.

An unconfirmed rumor was received from Hankow that Michael Borodin, Russian adviser to the Hankow government, previously reported in a hospital in the foreign quarter of Hankow, was under detention.

Firing Resumed

From Nanking it was learned by wireless that firing between that city and Pukow, on the opposite side of the Yangtze had been resumed. Shells from Pukow fell on the railway station at Nanking, resulting in numerous casualties. The railway staff fled in panic. Nanking is held by the Cantonese (nationalist) troops, while Pukow is in the hands of the Northerners.

Marshal Chang Tso-Lin, the chief commander of the northern alliance, has ordered General Chang Tsung-Chang, the Shantung leader, to stop the north-south firing on foreign ships in the Yangtze. Foreign naval authorities say that virtually all foreign ships have been fired on as a daily occurrence, the fire usually being returned and little thought being given to it.

Business Halted

All business property in Chungking, in Szechuan province, has been sealed and padlocked. All foreigners have departed, except one Frenchman, a Japanese, two Norwegians and ten Germans. Evacuated foreign bungalows have been demolished. These reports are made by Dr. H. H. McCartney, the port physician.

Storms Continue

Wind and rain storms swept over the western and southwestern portion of the state early today, pouring a part of a torrential rain storm into a corner of Texas, near Texas-arkana. A cloudburst which struck Texas at midnight had loosed three inches of precipitation within half an hour and was continuing. Unconfirmed reports there told of a wide area over which the storm moved.

The St. Francis river valley in the northeastern portion of Arkansas was in the path of a gnatlike volume of water flowing through a gap in the dike at New Madrid, Mo. It was estimated that more than a million acres of land would be inundated from this break alone.

Little Rock Flooded

At Little Rock in the central portion of the state, a deluge yesterday flooded many streets and continually pounded at the Arkansas river levees. The danger of losing the source of the city's water was alleviated late last night when engineers successfully built a barrier around the pumping station. Little Rock reported six more deaths yesterday, bringing

(Continued on Page 5)

3 HORSEMEN GALLOP OVER FLOOD AREA

Death, Famine and Pestilence Rule Stricken Mississippi Valley

SEVEN STATES ARE BATTLING WATERS

Outlook Far From Bright with Skies Cloudy and Rainstorms Forecast—Levees Weakening.

By the Associated Press Frigid weather, with a cold wave in Arkansas and freezing temperatures in parts of Kentucky and Tennessee, preceded by more rain was the weather outlook today for the Mississippi valley flood area.

A crosstime in the main levee on the Mississippi river at St. Louis, today exposed approximately 400 square miles of the delta to the flood and threatened Greenville and a number of smaller towns.

Sand boils and waves washing over the flood levee three miles below Hickman, Ky., caused workers to doubt that it could be held much longer. A break would inundate 140 square miles in west Tennessee and Kentucky. Several thousand refugees are concentrated in Red Cross camps in the Hickman district.

Disease Prevalent

Outbreak of disease in additional refugee camps in Arkansas was reported to state health authorities at Little Rock today.

The Mississippi Pacific bridge at Little Rock was wrecked by flood waters today, the south half being swept away.

Monroe, La., was beginning to feel the effects of back waters from the Ouachita river. West Monroe, across the river was threatened.

Colder weather would add to the discomfort of the estimated 50,000 refugees in the country hamper the thousands of men on duty along the levees.

MEMPHIS, Tenn., Apr. 21 (AP)

—Death, famine and pestilence rode gulfs today on the ever-increasing tide of the greatest flood in the history of the Mississippi valley.

Thousands of square miles of fertile soil lay inundated. Damage to property had already reached an unestimated figure in the millions of dollars. Thousands of persons, driven from their homes by the waters were suffering for food, clothing and shelter, while others who had braved the flood to stay in their homes, had perished.

Seven states—Arkansas, Missouri, Illinois, Kentucky, Mississippi, Tennessee and Louisiana—were battling against the encroachment of the river. Texas was receiving a quantity of water from western tributaries.

Arkansas Hardest Hit

Arkansas, through which several tributaries were rising above and casting aside all barriers, was the worst affected in the group, though danger points had developed at points in Illinois and Mississippi, which were not apparent yesterday.

The outlook throughout the valley was far from bright as overhanging skies and rainstorms were forecast. The crest at St. Louis was believed reached until last night when forecasts saw new waters in prospect as the result of rains in the headwaters. St. Louis is considered the northern boundary of the danger area.

The most critical situation in Arkansas was at Clarendon, where the White and Cache rivers come together. A break in a levee there yesterday caused widespread desolation and rendered many homeless with little food or clothing. The only communication to the town is the telephone which had not gone out today and over which reports of the suffering were relayed to The Associated Press and to the outside world.

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(Continued on Page 5)

TODAY'S GAMES

NATIONAL LEAGUE Chicago-S. Louis at St. Louis postponed, cold weather.

AMERICAN LEAGUE Cleveland-Chicago at Chicago postponed, wet grounds. St. Louis-Detroit at Detroit postponed, rain.