

5-YEAR TERM IN PEN GIVEN TO NEWBERG

Circuit Judge Knowles Sentences La Grande Man Today

JURY DISAGREES IN BLACK TRIAL

Case Against City Marshal Asher, of Enterprise, Starts—Collier Defending Him.

ENTERPRISE, Ore., Jan. 14 (Special to The Observer)—Harry Newberg, of La Grande, found guilty of involuntary manslaughter by a circuit court jury here last week, was sentenced to a definite term of five years in the state penitentiary today by Circuit Judge J. W. Knowles.

Newberg and Fred Black, both originally charged with second degree murder, were tried last week. The judge declared that evidence in the Newberg case was insufficient for second degree murder and submitted involuntary manslaughter to the jury. In the Black case, with manslaughter charged, the jury disagreed after deliberations that lasted for 14 hours, and was discharged. It is said that another trial for Black will be sought by District Attorney Sylvester Burleigh during this term of court.

The charges against the two men were placed as a result of the killing of Leonard Olsen, of Lostine, who they say they mistook for a deer one night in September, 1928. Black's defense was that he took the gun from Newberg, after a few shots were fired, and that it was accidentally discharged, and that he did not shoot at the figure they thought was a deer.

Asher Case Bogies The task of securing the jury in the case of the state vs. City Marshal Asher, of Enterprise, who is charged with manslaughter in an auto wreck today, Gregg and Hesse, of La Grande, are assisting the district attorney in the prosecution. Vohn A. Collier and Allen Bernard, of Portland, are assisting J. A. Burleigh in the defense. Mr. Collier is regarded as the leading criminal lawyer in the state. He defended the De Antronis in the celebrated case that resulted from the Skikyou murders.

CLEDA HARVEY INJURED NEAR PERRY SUNDAY

Cleda Harvey, of La Grande, was seriously injured yesterday afternoon when she was skinned with a party of other La Grande young people near Perry. Cleda was on her knees going down hill when her feet slipped and she fell, hitting her head against a rock. She was brought to La Grande and examination at the Grande Ronde hospital showed a fractured skull and broken nose. She is reported to be resting easy at the hospital today. The accident occurred about 4:30 o'clock yesterday.

PROGRAM FOR DENTAL MEET IS ARRANGED

An excellent program is being arranged for the Eastern Oregon district dental association meeting to be held in La Grande Feb. 26 and 27. Dr. E. L. Brunk, dentist for the Marion county health demonstration dental unit, will be in La Grande at that time to explain the work of the demonstration and its accomplishments. Dr. Brunk works under the state board of dental examiners, dealing especially with school children, and his talk is expected to be unusually good, according to Dr. Ray Murphy, of La Grande, secretary of the association. Dr. Philpott, of Boise, will also be on the program to exhibit a motion picture showing the surgical treatment of pyorrhea. Another specialist from Portland will talk on dental x-ray. Dentists from Idaho, Washington and Oregon will be in attendance at the meeting.

WEATHER TODAY 7:30 a. m.—20 above. Minimum: 15 above. Condition: partly cloudy.

WEATHER YESTERDAY Maximum 49, minimum 14 above. Condition: clear.

WEATHER JAN. 14, 1929 Maximum 41, minimum 25 above. Condition: traces of snow.

La Grande High Defeats Bobcat Squad at Union

Undefeated Tigers, with Five Straight Victories, Invade Willowa County Next.

The La Grande High school basketball team established itself as one of the strongest in this district Saturday night when it defeated the Bobcats at Union 38 to 26.

Union, with victories over Baker and other teams and losing only to Willowa, had expected to hold the Tigers to a much closer score but Coach R. W. Christie's hoopers rolled up an imposing lead.

This was the fifth straight interscholastic win for the Blue and White squad. Inbler, Enterprise, North Powder, and Joseph were the first four teams to lose to La Grande.

The record for the Tigers to date follows: La Grande Opponents 37 Inbler 17 21 North Powder 19 21 Enterprise 21 25 Joseph 9 28 Union 26 170 Opponents 83

The most grueling early season test for the Tigers will come next week when they invade Willowa county teams will be played Thursday, Friday and Saturday on the annual branchline trip. Joseph will be the first, then Enterprise and Willowa on Saturday. The Tigers

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Bennett Home Outside Limits Burned Sunday

The Bird Bennett home, which is outside the city limits and un-equipped with nearly fire fighting apparatus, burned to the ground yesterday morning about 6:30 o'clock. It is reported. Most of the furniture was saved but the building was destroyed.

The local fire department was called to the scene but because of the absence of fire plugs in that district, and because the flames were too far advanced for chemicals to do any good, had to confine its activities to saving the furniture.

The amount of the loss has not yet been announced but will amount to a considerable figure, it is said. The recall was not sounded for the fire department until about 6:45 o'clock.

Flu, Pneumonia Cause Death Of Mr. Fields Today

Influenza, coupled with pneumonia, took another life in La Grande when W. H. Fields, a resident of this city for the last 14 years, died about 9 o'clock this morning.

He had been employed by the Mt. Hazen Lumber company. The body is at the Snodgrass and Zimmerman mortuary. Funeral announcements will be made later.

Izaak Walton Club Meet This Evening

According to a previous announcement made by Secretary J. E. Woodell, the Izaak Walton chapter of La Grande, which is affiliated with the national league, will hold an annual clam feed at the Snodgrass Inn this evening at 7 o'clock. All members are urged to attend. Election of officers for the coming year will be the main business to be before the meeting.

Restrict Coasting To Two Locations

According to Police Chief Clint Haynes, La Grande children, with two hills roped off for coasting, have gone beyond their boundaries and have been coasting on hills open to traffic, which is regarded as a dangerous practice. Mr. Haynes said this morning that this would be allowed no longer and that coasting must be restricted to Pennsylvania and Sixth. No coasting will be permitted on O avenue and other hills which are not roped off.

C. E. Davis Buys Cigar Store Here

C. E. Davis, formerly owner of the marble works here, has purchased the Frank Harris cigar store, known as the Acme Cigar store, at the corner of Depot and Jefferson streets. His son, Guy, will assist him in operating the business place. Mr. Davis has already taken possession.

HOOVER NOT SURE ABOUT SECOND TRIP

Time Growing Short for Goodwill Excursion into West Indies

TALKS WITH TWO CABINET MEMBERS

Rumors Are That Wilbur Will Receive Judgeship—Cates Urged as Interior Secretary.

By James L. West (Associated Press Staff Writer) WASHINGTON, Jan. 14 (AP)—President-elect Hoover is withholding final decision on his second goodwill tour, that to the West Indies, until after he has concluded conferences here and transferred his headquarters to Miami Beach, Fla. He has indicated to some callers that the time left in which to make the tour is growing rather short.

It was said today that the president-elect still is hopeful that he can visit Haiti, Santo Domingo and Porto Rico in addition to Cuba. It was estimated that such a trip would require not more than two weeks.

Foreign relations formed the subject of an hour's conference which Mr. Hoover had over the breakfast table at his 8 street home with Charles Evans Hughes, secretary of state in the Harding administration.

Rumors of Change

The president-elect had an engagement for a conference with another cabinet officer, Curtis D. Wilbur, secretary of the navy. In the political gossip attendant upon Mr. Hoover's presence in Washington.

TWO MEN INJURED ON FREIGHT TRAIN

John Thompson, of Tacoma, and Mike Babich in Hospital Today

Riding on a freight train en route to Ontario to get work almost proved fatal to John Thompson, of Tacoma, and Mike Babich, who says he has no home address, when yesterday afternoon about 2:30 o'clock they were badly crushed in a gondola of lumber in La Grande. Today they are both in the Grande Ronde hospital. Mr. Thompson with several broken ribs and a contusion of the head, and Mr. Babich with badly injured feet.

The men were in a car of lumber when the lumber "shifted," jamming the two men between the back wall of the car and the lumber.

Their cries for help were heard and railroad men in the yard rushed to the rescue and took the men out, not, however, until they were seriously hurt.

Mr. Thompson was unconscious for several hours following the accident but by noon today was reported to be better. Both men may have to remain in the hospital for three weeks, the attending physician reports.

The train the men were on was an eastbound freight. Mr. Thompson is about 23 years old and Mr. Babich is about 29.

PLUMBING AND PAINTING JOBS LET BY BOARD

Awarding of contracts for the plumbing and painting of the La Grande High school building was made at a special meeting of the school board held Thursday, it was announced today.

The contract for the plumbing went to the Fred Spaeth Plumbing and Heating company for the sum of \$947.

The painting contract was awarded to Leighton and Lynch. The amount was \$1975.

Work on the painting and plumbing has already started. Five bids were opened for the painting contract and three were opened for the plumbing.

Lutheran Church In Annual Meet; Plan Campaign to Liquidate Debt

Excellent attendance in all La Grande churches was reported for yesterday, with some very fine services.

The annual meeting was held in the evening of the English Lutheran church with yearly reports of subsidiary organizations and of the Rev. Leif H. Aves, pastor, being heard.

The congregation decided to hold a campaign soon for the purpose of liquidating the church's debt. The Baptist church reports particular interest in the R. Y. P. U., which is led by Miss Elizabeth Hines, daughter of the pastor.

Agreement For Debate Limit Is Still In Doubt

Senate Fails in Effort to Bring Kellogg Anti-War Action to a Showdown

WASHINGTON, Jan. 14 (AP)—After an hour of discussion the senate failed to reach an agreement today to limit debate on the Kellogg anti-war treaty beginning tomorrow.

The group holding out for an interpretative declaration to accompany the Kellogg anti-war treaty decided today to take the initiative and submit a resolution to the senate asking for an interpretation of the pact by the foreign relations committee.

Standing firm against the administration, which holds that no interpretation of the treaty is necessary, the republican-democratic bloc in opposition today drafted the resolution which is expected to force a decision in the treaty contest.

Senator Reed, democrat, Missouri, brought the resolution to the senate floor.

Office Building Case is Affirmed

WASHINGTON, Jan. 14 (AP)—The state of Oregon was permitted by the United States supreme court today to use \$500,000 of the industrial accident fund of the state at the construction of an office building at Salem.

The court affirmed the decisions of the lower courts on authorities cited.

Lillian Shell, Of Willowa, Passes On

Miss Lillian Shell, of Willowa, died here today. She was a nurse in one of the hospitals there and her death was caused by pneumonia, it is said. She was a sister of Miss Ann Shell, formerly organist at the Arcade theater, and was well known in La Grande. Funeral services are to be held Wednesday at Willowa.

BYRD SUPPLY SHIP NEARING ICE BARRIER

SOUTH DARTMOUTH, Mass., Jan. 14 (AP)—Messages between the steamer Eleanor Bolling of the Byrd antarctic expedition and the Massachusetts Institute of Technology research radio station here were exchanged today.

The Eleanor Bolling reported she was seven hours out of Danedin, New Zealand, heading back to the ice barrier with her second load of supplies for the expedition.

She said the weather had been excellent and that the crew, although working hard, was happy.

The technology station handled several messages from members of the crew to their relatives and friends in this country.

Michael F. Smith Is Called Beyond

Michael Francis Smith, son of Mr. and Mrs. Fred J. Smith, of this city, died last night at his home on South Twelfth street, following a short illness. The rosary will be held at the snodgrass and Zimmerman chapel at 7:30 o'clock tonight and the funeral will be held tomorrow morning at 10 o'clock at the Catholic church. Interment will be in the family plot in the Catholic cemetery.

He was born Feb. 19, 1909 and was 19 years, 11 months and three days old. He is survived by his parents, two brothers, Joe L. of Prairie City and Fred G. of La Grande, and three sisters, Mrs. J. C. Burgess, Rose and Agnes, of La Grande.

LONG PENDING QUESTION IN ROME SOLVED

ROME, Jan. 14 (AP)—An agreement has been reached for solution of the long pending Roman question by which the papacy is granted a small territorial extension plus an indemnity of 1,000,000,000 Italian lire.

CURTIS READY FOR NEW ROLE



Here's one of the last photographs you will see of Senator Charles Curtis of Kansas, republican leader of the United States senate, for after March 4 it will be Vice President Charles Curtis. This excellent photo of Curtis and his sister, Mrs. Edward Gann, was taken at a recent diplomatic function in Washington.

Love Letters And Butter Found In Books

Love letters, chunks of butter, combs, hankies, gum wrappers, bridge cards, and files, scissors—all of these and other articles, are left at the city library by patrons who return books and the collection has been accumulating so fast that the library is ready to have an exhibition and such articles are now ready for display at the left of the main entrance of the library.

"You would be surprised at the number of useful and otherwise articles which we find in books when people return them," says Miss Mabel Doty, city librarian.

"In fact, everything from a match to a pair of scissors or a nail file. We seldom need to buy nail files since our patrons seem to think we use them frequently and keep them supplied. And some patrons even used their love letters for bookmarks and forget to remove them. To prevent any needless rush to the library after this statement, I might add that these love letters are not treasured for future display, but are burned if the owners do not call for them within a reasonable length of time.

"We do not object to a fat article, such as a card from a bridge deck or a gum wrapper," says Miss Doty. "But bulky articles are not desirable for book marks. We have also found several lumps of butter in our books but since these were probably placed in them by accident and not by design we have not saved them for our display."

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She said the weather had been excellent and that the crew, although working hard, was happy.

The technology station handled several messages from members of the crew to their relatives and friends in this country.

Meacham Pioneer Resident Passes

George D. Hilyard, pioneer resident of Meacham, died yesterday in Portland at the home of his daughter, death being due to heart disease. Funeral services are to be held in Pendleton on arrival of relatives. He was born in Virginia Aug. 15, 1854 and came to Oregon in 1888, living at Meacham for a quarter of a century.

He is survived by a sister, Mrs. Nathan Groves, of Illinois, a brother, William Hilyard, of Santa Ana, Cal., and the following children: Mrs. Laura Rose, of Meacham; Mrs. W. F. Earsheart, of Missoula; Mrs. W. S. Hilyard, G. L. Hilyard, of La Grande; Mrs. T. C. Lowry, and Mrs. G. V. Masterson, of Portland; Mrs. E. K. McCown, of Hot Lake, and Richard Hilyard.

Royal Patients Are Better Today

LONDON, Jan. 14 (AP)—Good news came from both royal patients and Buckingham palace this morning.

After an interval of several days in which King George's condition was officially reported stationary, today's medical bulletin brought the gratifying news that he was making progress.

Precautions were being taken with the queen's cold because of the cold, smothering weather which has prevailed in London for the last 11 days.

HOME RUN KING'S WIFE IS BURNED

WATERTOWN, Mass., Jan. 14 (AP)—Babe Ruth, home run king, today mourned his wife, while police sought for questioning Dr. Edward H. Kinder, Boston dentist, in whose home here Mrs. Ruth, known to neighbors for the last year and a half as Mrs. Helen Kinder, was burned to death last Friday night.

The New York Yankee star arrived in Boston from New York City yesterday just in time to halt the burial of the supposed Mrs. Kinder, for whom a death certificate had been issued on information supplied by the dentist.

While State Detective Edward P. O'Neil, who investigated the fire at the instance of District Attorney Robert T. Bushnell, of Middlesex county, declared that there was no evidence that a crime had been committed, the district attorney ordered an autopsy performed and a search instituted for Kinder.

Legislature Is Under Way Today In State House

Senators Fred E. Kiddle and Colon R. Eberhard Given Several Committee Appointments.

Senator Fred E. Kiddle won places on the following committees: banking, elections and privileges, game, military affairs, roads and highways and ways and means.

Senator Colon R. Eberhard won places on: education, forestry, insurance, judiciary, municipal affairs, railroads and utilities, and resolutions.

SALEM, Ore., Jan. 14 (AP)—Final details of organization were completed by both houses of the 35th legislative assembly, which convened here this morning, with the formal election and seating of Senator A. L. Norblad and Representative R. S. Hamilton, as president of the senate and speaker of this house, respectively. Official votes on the few contents for the officers and confirmation of the acts of the caucus held Sunday evening.

Senator Klepper presided as temporary president. For chief clerk of the house Fred Drager won out by a single vote, polling 31 as against 27 for Paul Burris.

SENATE COMMITTEES SALEM, Ore., Jan. 14 (AP)—President Norblad of the senate made his committee announcements for the session just after the forenoon adjournment. In the following list of committees the first named is chairman and in committees of five or more members the second named is vice-chairman:

Agriculture—Maun, Elliot, Ed Bailey, Fisher, Reynolds. Alcoholic traffic—Eddy, G. W. Dunn, Bennett, Hillingale, Mair. Assessment and taxation—Bell, Butt, Bennett, Corbett, Marks, Miller, Schulmerich.

Kiddle Selected Banking—Corbett, J. O. Bailey, Bell, Kiddle, Schulmerich, Upton. Claims—Elliot, Hillingale, Brown. County and state officers—J. O. Bailey, Elliot, Carner, Miller, Strayer.

Education—Ed Bailey, Elliot, G. W. Dunn, Eberhard, Fisher, Reynolds, Staples. Elections and privileges—Carner, Fisher, Hall, Kiddle, Klepper, Engrossed and enrolled bills—Strayer, Butt, Carner, Klepper, Marks.

Federal relations—Brown, Kuck, Schulmerich. Fishing industries—Jones, Kuck, Corbett, G. W. Dunn, Eddy, Fisher, Staples. Forestry—Hall, J. O. Bailey.

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Old West Peace Officer Passes In Los Angeles

LOS ANGELES, Jan. 14 (AP)—Wyatt Earp, sure shooting deputy sheriff when Dodge City, Kan., was a cow camp, and last of a handful of frontier peace officers who pumped 45 caliber law into the young and lusty west, is dead. The two-gun officer, who, as United States marshal in the wild days of Tombstone, Ariz., led a fight in which four notorious western gunmen died with their boots on, succumbed at a kidney ailment. Earp was 80 years old.

Earp left Tombstone in 1886 for San Diego, Goldfield and Tonopah, and thence to the Klondike. There he became close friends with the late "Tex" Rickard, Wilson Mainer, playwright, and Bill Hart, motion picture cowboy. In the Klondike, Earp ran a gambling hall, saloon and bank across the street from Rickard's establishment.

Although Earp majored in gun-fighting and adventure, his one contact with pugilism brought him unforgettable renown. Earp's so-called "raw" decision in the Bob Fitzsimmons-Tom Sharkey fight at Oakland, Cal., Dec. 2, 1896, when he awarded the fight to Sharkey on a foul in the eighth round, caused a roar that reverberated through the boxing world for years and excited as much comment in its day as the long count given Gene Tunney at Chicago in 1927.

WARS LEGISLATORS At the outset of his address, Governor Patterson warned the legislators that "the matter of taxation and state finances is always of paramount public importance."

"We are aware that at the last session appropriations were made aggregating approximately four million dollars in excess of available funds."

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SOCIETY GIRL SUICIDES BY INHALING GAS

SPOKANE, Wash., Jan. 14 (AP)—The death of Miss Ruth McDonald, wealthy society girl and patron of the arts, who planned to marry an artist Tuesday, but withdrew to a lonely spot and took her own life, today had authoritative mystified.

Although letters found among Miss McDonald's possessions at the circumstances of her death clearly indicated suicide, C. W. Greenough, county prosecutor asserted Leonid Flink, of Seattle, a Russian artist and the man to whom she was betrothed, was held for questioning and until a motive for suicide had been established.

Miss McDonald's body was found in the rear of her automobile Sunday afternoon in the culmination of a two-day search in which an airplane flared. She apparently was asphyxiated by carbon monoxide fumes from the exhaust of her automobile, an autopsy revealed.

A sooty ring, which corresponded in size to the exhaust pipe, Greenough said, indicated that she held her mouth closed the pipe until the fumes poisoned her.

Three Executed In Pennsylvania

BELLEFONTE, Pa., Jan. 14 (AP)—Three men whose crimes brought death to five persons paid with their lives in the electric chair at Pottsville penitentiary today.

They were Charles F. McIvor and Benjamin Demarewski, of Philadelphia, and Tony Lucetti, of Washington county.

All three men met their death calmly. The triple execution began with Lucetti, who was convicted with Roy Wenrich of shooting Policeman Louis O. Knapp and Paul B. Fox in February, 1928.

TAX TROUBLE PUT BEFORE LEGISLATORS

Gov. Patterson Makes No Recommendation—Presents Others

TAX COMMITTEE'S FINDINGS VOICED

Responsibility for Pulling State Out of Financial Mess Is Placed Upon Law-Makers.

SALEM, Ore., Jan. 14 (AP)—Placing squarely before the state legislature the responsibility not only for providing revenue adequate for discharging the expenses of state governmental activities but also for eliminating any deficiency which may exist, Governor I. L. Patterson today, in his message to the thirty-fifth legislative assembly, told the legislators that the subject of taxation in Oregon "challenges your businesslike attention, your careful research and your earnest consideration throughout the session."

While himself making no recommendation as to legislation looking toward solution of the state's tax problems, Governor Patterson submitted to the legislature the findings of the committee authorized to investigate the tax situation.

Results Other Failures "In 1921 and 1925," the governor said, "committees were authorized by the legislature to investigate new sources of revenue and equalizing the burden of taxation. Each of these committees made an exhaustive investigation and submitted comprehensive recommendations, none of which, so far as I know, has been put into effect. The report of the tax investigating committee, authorized by the 1927 legislative assembly, will be submitted for your consideration at this session.

"I trust that it may prove helpful in your deliberations and fruitful of tangible results."

While examining the budget sheet "the people of this state want a reduction of license fees for old or used cars," Governor Patterson told a certain percentage each year thereafter, reaching a minimum at the fifth registration.

"Careful research in the matter may disclose some plan better adapted to accomplish the same purpose. Therefore, make no specific suggestion of legislation, but a recommendation for the early relief of owners of used cars."

Should such legislation NOT be forthcoming, the governor said, "there will be constant danger of the initiation and enactment of radical measures which may imperil our splendid highway program and place upon real property the burden of paying the principal and interest on \$25,000,000 worth of outstanding highway bonds."

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(Continued from Page Four.)