

COURT RULES CROSS-STATE ORDER VOID

Federal Judges Declare I. C. C. May Not Require This Construction.

APPEAL TO HIGH COURT IS LIKELY

Decision Holds Provision of Transportation Act, Construed so Broadly, Unconstitutional.

MUCH INTEREST HERE

Interest in the cross-state railroad line order as made by the interstate commerce commission, has been keen in La Grande, a division point on the O.-W. R. & N. company railroad. In general, local sentiment has been with the railroad company, as many felt that building a cross-state line would out down on the amount of freight shipped through La Grande, with consequent reduction of employes, payroll, etc. in this division.

PORTLAND, Ore., Jan. 30 (AP)—A five-thousand word federal court decision today stood in the way of the interstate commerce commission's enforcement of an order that the Oregon-Washington Railroad & Navigation company construct a 185-mile cross-state line from Crater to Crescent in Central Oregon.

The decision, written by United States Circuit Justice Rudkin, was handed down yesterday by Federal Judge McNary. Circuit Justice Rudkin said the third judge who heard the case.

The decision held that the commission may not require railroads to construct new lines in territory they do not profess to serve and that in the present case the O.-W. R. & N. does not profess to serve the territory through which the proposed road would run.

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Tax Bills Will Cover Years Of 1929 And 1930

Legislators Begin Action Following Supreme Court's Decision Denying a Rerearing.

SALEM, Jan. 30 (AP)—The senate and house committee on assessment and taxation were moving today to get before the legislature the tax bills necessitated by the supreme court's overturning of the intangibles tax act, and its opinion yesterday denying rerearing of the case in which the act was held unconstitutional.

These bills are expected to be two measures bearing on intangibles. Both have been passed without objectionable features that caused the court to upset the act. One of them is made retroactive to levy a tax on income from intangibles for the year 1929 for the purpose only. The other is retroactive to apply to 1930 intangibles incomes, but will, if passed by the legislature, not upset the courts, serve as a permanent act.

The main point on which the court overturned the 1929 act was that it was a tax on gross rather than the net income from intangibles. In other words it did not give the taxpayer credit, for example, in interest on bonds or other intangibles owned by him.

Also, the court held that the act was unconstitutional because it imposed a tax on income rather than on intangibles assets.

While the tax commission was disappointed that the supreme court refused to grant a rerearing of the intangibles tax case, it is encouraged by a portion of the opinion that the commission interprets as holding the personal income tax act constitutional. Since the opinion that held the intangibles act unconstitutional contained language upholding the income tax act.

WALLOWA, UNION BOTH IN SUPPORT

Proposal Also Favored by Governor Julius Meier, According to Report From Joseph.

JOSEPH, Ore., Jan. 30 (Special)—A special hearing on the proposed Sheek creek road to the Imnaha river was held here today by the highway commission in Portland February 19 according to word received by County Judge Edgar Marvin, according to the report from Joseph.

Members of the county court and others interested in the project have been busy engaged in amassing evidence to present to the highway commission, securing agreements for right-of-way and other details. Both the directors of the Enterprise chamber of commerce and the Lions club have drawn up and sent hearty endorsements of the proposed road to the county court. Joseph Commercial club at its meeting Monday night also voted to send its endorsement to the two bodies and it is understood that the Wallowa chamber of commerce is also very much in favor of the road being built. It is not known whether the latter organization has taken any action or not, but assurances have been given that it will be taken care of as soon as possible.

The Grande chamber of commerce, interested in the scenic aspects of the new road and the possibility of construction at a future date, has also been very active in favor of the road. Overlooking Hells canyon, voted Tuesday.

Pendleton High Invades Den Of Tigers Tonight

Fresh from a 35 to 20 victory over Helix High school Wednesday night, the Pendleton Backrooms will invade La Grande tonight to take the den of Tigers team's first start against the city this season, and as the game time nears, the outcome is merely conjectured, with both conceding a chance to win.

Pendleton's squad this year consists of Wetherell, Strohle, Hill, Heyler, Terleson, Robinson, Baining, Spafford, L. Terjeson, Cargill and Erwin. Last year Pendleton came here and won 35 to 24, with Terjeson, Robinson, Hill and Strohle all playing. It was Schannep, however, who defeated La Grande that night, rolling up 14 points, most of them long shots, fired off from above advance from the field position.

Coach Ira Woodie expects to put full strength onto the floor against the Bucks. This morning he had not made up his lineup, but fans expected it to be the same as during the last two weeks.

Tickets for the game here tonight and the auxiliary or a game here tomorrow night against the strong Wallowa High school team are obtainable today at Glass Drugs.

Legion Skit To Be Staged Soon For Baker Post

"A. W. O. L. in a French Cafe," the American Legion skit which contained a large La Grande audience and called forth a shower of eggs on New Year's Eve at the American Legion midnight matinee at the Liberty theatre is to be taken to Baker tonight. The skit, which will be given by the Baker post will be hosted by a large delegation from La Grande. Members of the local post and the auxiliary will accompany the cast to the Baker meeting.

The cast includes the hero, "Unconscious," Norman Deslett; and his friend who is killed, A. W. O. L., played by Raymond Williams; two little French lassies, Walter Palmer and Ed. Stephenson; Lynn Wright, the mother of the bar maid; patron, Henry Holbrook; Mr. Mollinet, Lawrence Patterson; Claude Roney; Harley Richardson; Meritt Butler; Ralph Winters; Clarence Bragg; Roy Curry; Walter Bean; Stanley Mills and Clarence Green.

The local post has also planned a meeting for February 4 at the Sacajawes Inn.

WALTER HALL INDICTED ON STILL CHARGE

Walter Hall was indicted by the county grand jury on charges of illegal possession of a still and mash. His hearing has been set for 10 o'clock Saturday morning.

Chester J. Mason, arraigned on a charge of non-support of a minor child, was expected to plead his guilty before Judge J. W. Knowles this afternoon.

Missionary Play Staged at Church

With a fair-sized crowd in attendance, the missionary play "These Be of India's Household," was presented in the Christian church last night. The play presented several types of Indian women, ranging from the Hindu type to the Christian, and each in turn told of their life as they live it.

Proceeding and following the play, the assembly sang, Mrs. Harry Sandstrom introduced the program. Those taking part were Mrs. A. P. Nelson, Mrs. J. A. Williams, Mrs. L. S. Weeks, Mrs. L. M. Parker, Mrs. Rose Edision, Mrs. Jennie Byer, Mrs. W. L. Hoyt, Mrs. Russell Parlett, Miss Marion Nelson gave a pantomime with a mixed quartet singing.

Alleged Shoplifter Arrested Thursday

Charged with taking two dresses from the J. C. Penney Co. store yesterday afternoon, a man who gave his name Mike O'Kelly, was arrested by the police and turned over to county officers. He was taken to jail in the county jail and it is understood that the matter is being laid before the grand jury, which is in session today.

One Drowned, Two Others Rescued

MARSHFIELD, Ore., Jan. 30 (AP)—Ray C. Smith, 35, of North Bend, drowned last night when he fell from a log boom on Isthmus inlet, Judd, Conrad and Peter Neilson, who were with him, were thrown in the water. Thomas Smith, 21, employe of the Port Coast, rescued Conrad and assisted Neilson to safety. He struggled with Ray Smith until exhausted. The rescuer was taken from the water in a semi-conscious condition.

SHEEP CREEK ROAD HEARING FEBRUARY 19

State Highway Commission to Give Project Consideration Soon

WASHINGTON, Jan. 30 (AP)—Premier Mussolini cabled to Italian Ambassador De Martino today he had felt sure that he would obtain "just what you would desire, the course of peace, the loyalty and the friendship of the American government and the American people who respect for the truth is well known to me" after the incident which Major General Smedley D. Butler of the marines, made derogatory remarks about him.

DAVIS MAY AID BUTLER

WASHINGTON, Jan. 30 (AP)—The expectation that John W. Davis, prominent New York lawyer and 1924 democratic nominee for president, would back Butler's case for Major General Smedley D. Butler during his court martial, was expressed today by friends of the marine officer who have been studying the case.

Arrangements for counsel were discussed this morning in the office of Major Henry Leonard, U. S. C. C., retired, a Washington attorney and friend of Butler's. Major Leonard were Lieut. Col. J. J. Meade, General Butler's chief of staff, Lieut. Col. F. Archer, quartermaster of the marine post at Quantico, and Brig. Gen. Randolph C. Berkeley, acting commander of the post.

The four men were cloistered together for nearly two hours.

Hoover Takes No Part

It was said at the White House today that President Hoover had taken no part in the developments concerning the note of apology sent to Italy by the United States government, which was sent in a letter in derogation of Premier Mussolini.

The Butler case was said to have entered the record at the White House in no way.

The date and place of the court martial has not been announced.

Officers at the Quantico, Va., marine post, where Butler is under arrest, are ordered, said by telephone today he was continuing to remain in the seclusion of his home and would not talk for publication.

Spectacular Life

General Butler has done spectacular things. He likes to lead the cheers at a marine football game but he did not get two congressional medals of honor for that. He likes a fast motor car but skillful driving did not bring him an army distinguished service medal, a navy distinguished service medal and a brevet medal.

As a young marine officer he risked his life to rescue a wounded British soldier in China. He also saved death to Mexico City as an spy when the war with that country seemed certain during President Wilson's administration. He charged a bandit fort in Haiti and he carried duckboards with the rail and life at the front in France. He is known as a student of military strategy and a skillful hander of men.

Mercury Takes 11-Degree Drop

Colder Weather in Valley Pleases Fruit Men — Turnips Up Near The Cove.

Although the mercury took an 11-degree drop last night as compared with Wednesday night, spring-like conditions continue in Eastern Oregon. Yesterday's maximum was 64 above, and minimum, 47.

The warm weather, unusual in this locality, has caused pussywillows to show up, and at Julius Fishery's place in the Hells canyon district, birds are up and inch an inch. Robins and grosbeaks continue to make themselves at home in the Grande Ronde valley, and squirrels come out to the capitol today when the temperature is in the 50's.

Fruit men pleased with the drop in temperature last night, inasmuch as so much warm weather in this season, almost sure to be followed by more freezing temperatures, would be likely to cause considerable damage.

Whether it is merely an advance sample of spring or the real thing, the small boy about La Grande craves anything in reference to Sunday. He has been very anxious to see the present period to get his knuckles down and bank away at somebody's do-babe or glassy or agate from the marble ringer line and marble are the favorite course and attempt a few drives at least. Just a sort of warming-up process for the real golfing days that will come later on in the year.

More Fair Weather Predicted

The weather man at Portland predicts more fair weather for tonight and tomorrow, but so far hasn't said anything in reference to Sunday. He also predicts moderate temperatures.

One of the first reports of pussywillows in this valley was made today by Rufus Pochard, who found some along the river near the Bowman-Hicks Lumber company mill.

Alabama Condemns Thomas Hefflin

MONTGOMERY, Ala., Jan. 30 (AP)—The Alabama senate today adopted without a dissenting vote the house resolution in condemnation of the very poor sportsmanship of Senator J. Thomas Hefflin in contesting the election of last November in which he was defeated.

The prohibition director said Newell had a perfect right to resign at that time if he did not wish to go where he was instructed to go, but that a compromise has been reached and Newell appointed to the Portland post.

Hoover Welcomes Canadian Premier

WASHINGTON, Jan. 30 (AP)—President Hoover formally welcomed Premier Bennett, of Canada to the capitol today when the prime minister paid a brief call at the White House.

Cumberland Mountain Deputy, Picturesque Figure, Dies In Cabin

POUNDS, Virginia, Jan. 30 (AP)—John W. Wright, 88, the "Devil Judd Tolliver" of John Fox's "Trail of the Lonesome Pine" and picturesque bad man of the Cumberland mountains, died at his mountain cabin here today.

Wright, better known to mountain outlaws as "Bad John" Wright, lived his active life in a day when only a tough man could survive if he went hunting for his fellow men. And "Bad John" was tough in those days.

As a deputy sheriff he is reputed to have killed 25 to 30 men who tried to take his life rather than surrender.

Picturesque Figure

No more picturesque figure than Wright ever roamed the Cumberland mountains and followed its trails through towering forests and the purple bloom of the rhododendrons. It was from his life that John Fox drew the character of "Devil Judd" Tolliver in "The Trail of the Lonesome Pine."

Wright, whose enormous stature also had given him another nickname, "The Tall Sycamore of the Elkhorn," was a guard at the Wise county, Va., jail when Fox knew him. The novelist

John W. Davis May Be Counsel For Gen. Butler

1924 Nominee For President Expected To Help Mussolini Cables Italian Ambassador.

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HOUSE VOTES AGAINST DRY REFERENDUM

Renewal of Prohibition Question in Senate Promised by Upton.

KILL RESOLUTION BY 41 TO 16 BALLOT

Alleged Defects in One-Man Commission Measure, Drawn by A. E. Clark, Are Argued.

SALEM, Jan. 30 (AP)—Six banking bills, amending the code to tighten regulation and to increase penalties for bank robberies were sent into the legislature today along with a score of other measures introduced in both houses. The house passed five measures while the senate gave favorable consideration to another.

Two intangibles bills were being prepared for introduction today, and will be the subject of committee discussion this afternoon. One measure would provide for the collection of unpaid 1929 intangible taxes and the retention of the \$800,000 already collected, and the other would meet the supreme court's objections for a 1930 tax. The supreme court recently declared unconstitutional the 1929 tax and yesterday denied the petition for a rerearing of the case.

Five Hearings

Five public hearings were set for early next week, it was announced in the house and senate. One will be held by the finance committee measure, Tuesday night.

SALEM, Jan. 30 (AP)—Renewal of the prohibition question in the Oregon legislature today was seen in the announcement last night that Senator Jay Upton, of Bend, would introduce a senate resolution similar to the one introduced in the house last night. The resolution, Upton announced, may be presented during the day.

The Manning resolution for a referendum on the state dry law was killed by a 41 to 16 vote after two hours of debate and oratory in the house. The prohibition fight, and the start of a series of public hearings on the utility measure, featured the day's prolonged meetings yesterday and last night.

Alleged defects in the one-man commission measure, drawn by A. E. Clark, would provide for a rule for cities, were pointed out at the hearing, and critics declared the measure failed in its purpose to regulate utilities. Reports of a substitute bill for that purpose were also heard today. Further hearings on this as well as the grange power district bill and the hydro-electric commission measure, will be held at later dates.

Both houses are expected to adjourn after a half day's session, to return to start the last half of the limited session on Tuesday. Adjournment rests upon the expediency on the two groups in clearing desks for the week.

Newell Appointed To Prohi Position

WASHINGTON, Jan. 30 (AP)—Prohibition Director Woodcock today announced the appointment of W. K. Newell as acting deputy prohibition administrator at Portland, Ore.

Newell has been out of the federal prohibition service since last July. He was then prohibition director for Oregon and was suspended in July. Woodcock said, for failure to accept another assignment.

The prohibition director said Newell had a perfect right to resign at that time if he did not wish to go where he was instructed to go, but that a compromise has been reached and Newell appointed to the Portland post.

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Time and Savings Deposits In Oregon Banks Record Breaker In The History of This State

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Reserve Position of Banks is Excellent, According to A. A. Schramm

SALEM, Jan. 30 (AP)—Time and savings deposits in all Oregon banks at the close of business December 31 totaled \$128,311,177.91, a record breaker in the history of the state for any one official bank call, says a statement today by A. A. Schramm, state superintendent of banks, relative to the call of that date. This is an increase of \$1,250,000 compared with the last previous call of September 24 and an increase of about \$2,500,000 compared with the corresponding period a year ago.

"Deposits subject to check on December 31," Schramm said, "totaled \$150,809,396.87, indicating a decrease since September of approximately \$14,500,000, although the decrease since March 27, 1930, is only approximately \$2,500,000. Thus the aggregate deposits of both time and savings and subject to check on December 31, 1930, is only approximately \$180,000 for the entire state as compared with March 27, 1930.

"The reserve position of the banks is excellent. Cash and due from banks has increased almost \$1,250,000 since September 24, 1930. Holdings of other bonds and securities have increased in excess of \$900,000 but with a corresponding decrease in government bonds, which, no doubt, are due to the high price and low yield of government securities. As compared with a year ago the loans outstanding have been decreased slightly more than 10 per cent.

"Total resources of all banks in the state at the close of business December 31, 1930, were \$234,938,549.55."

Oregon banks showed total deposits in its 24 banks of \$159,264,600.42. Among other cities deposits were as follows: Salem, \$10,681,132.92; Eugene, \$4,000,000.00; Astoria, \$6,847,742.46; Klamath Falls, \$5,921,480.38; Medford, \$5,000,971.38; Baker, \$3,004,320.98; Roseburg, \$3,203,372.79; Corvallis, \$3,138,147.55; La Grande, \$2,824,826.06; Grants Pass, \$2,198,903.82; Ashland, \$2,006,412.57.

THREE MEN WILL DIE FOR MURDER

Electric Chair Faces Trio Convicted of Shooting Ralph Wilcox.

COLUMBUS, O., Jan. 30 (AP)—Three young men who killed a gasoline station attendant in a frustrated robbery calmly waited for death in the electric chair at the Ohio penitentiary tonight.

The condemned men, Earl Sites, 27, Fred Massa, 27, and Kenneth McCarty, 25, all of Mansfield, O., were convicted of the fatal shooting of Ralph Wilcox when he resisted their attempt to rob his filling station at Gallion. They were recognized and tried for murder while serving sentences for attacking a woman shortly after the killing.

Appeals to the state supreme court failed and relatives turned to the state board of clemency as a final effort. It is believed the plan of the state board to commute the sentences was refused.

A postal inspector recovered the 250 pounds of mail carried by the plane.

W. J. Conn, Cuddeback, vice president of the Varney company, said it was apparent Case had flown the plane head-on into the mountain in the fog. The pilot was observed the course. He was found in a wooded area. Sixteen bodies had been recovered at that hour. All the others had been located and were being brought out as quickly as possible.

Twenty-five miners were brought out alive. Twelve of them are in serious condition in a hospital. The mine owners said a number of men caught on the fringe of the explosion turned back into the gas-filled passages and rescued some of the injured. But for them the death toll would have been higher.

The cause of the accident has not been determined.

Body of Walter Case is Brought To Vancouver

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FLAMES DRIVE 200 INTO COLD OF WHITE WAY

NEW YORK, Jan. 30 (AP)—Dancing flames leveled a six-story building on upper Broadway early today, driving more than 200 persons into the cold, injuring 17 others and throwing the great white way into a turmoil.

Of the injured, two firemen were seriously burned when the fourth floor collapsed, catapulting an entire block and ladder company to the floor below. Two newspaper photographers were dangerously hurt a block from the scene when a window pane prematurely exploded, mangling the left hand of one and possibly blinding the other.

Most of the tenants, occupying 190 apartments on the upper five floors, scurried to safety via elevators, fire escapes and metal bridges leading to adjoining buildings. Others were helped to safety by firemen and fellow lodgers. The majority were artists and theatrical folk and many were elderly.

The scene was the Lincoln Square building, known also as the Miller, is located on the corner of the 66th street and Broadway.

The passenger rate reduction proposed by the Frisco system was one of the first important steps taken by a major carrier to combat particularly major bus competition.

2-CENT FARES EFFECTIVE ON FRISCO LINE

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Three Women Are Buried Under Slide

BERNE, Switzerland, Jan. 30 (AP)—Three English women, whose names were buried in an avalanche near Egglishorn on Wednesday, were recovered here today.

They were with a party of six tourists and three guides. Rescue parties found two women and two guides near Reideralp. The bodies of the others have not been recovered.

Wide Interest Is Aroused In Bill

SALEM, Jan. 30 (AP)—State-wide interest aroused in the bill introduced by Senators Crawford and Bailey, providing that all moneys collected by state departments and agencies be carried to a separate legislative appropriation, caused Senator Moser, chairman of the judiciary committee, to set a public hearing on the bill for Tuesday night, February 3. The hearing will be in the senate chamber.

The bill affects all the self-sustaining departments, including some of the largest in the state government, such as the fish and game, corporation, insurance, industrial accident departments and possibly the state judicial police, with having kidnapped and sacrificed the white child, Martin Perez, in their weird rites.

The boy was kidnaped Christmas eve from a plantation near Ararat.

Woodoo Worshippers Blamed For Death

HAVANA, Jan. 30 (AP)—Woodoo worshippers in the hills of the interior were charged yesterday by Mariano Torres, sub-inspector of the judicial police, with having kidnaped and sacrificed the white child, Martin Perez, in their weird rites.

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2-CENT FARES EFFECTIVE ON FRISCO LINE

WASHINGTON, Jan. 30 (AP)—By failing to act on protests instituted against the action, the interstate commerce commission today allowed the St. Louis-San Francisco railroad system to put in effect Saturday night, coach fares over its entire system for passengers at the rate of 2 cents a mile.

The passenger rate reduction proposed by the Frisco system was one of the first important steps taken by a major carrier to combat particularly major bus competition.

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Three Women Are Buried Under Slide

BERNE, Switzerland, Jan. 30 (AP)—Three English women, whose names were buried in an avalanche near Egglishorn on Wednesday, were recovered here today.

They were with a party of six tourists and three guides. Rescue parties found two women and two guides near Reideralp. The bodies of the others have not been recovered.

Wide Interest Is Aroused In Bill

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