

LOCAL BRIEFS

Sister Dies— Mrs. Earl Klein, of La Grande, who left several days ago for Everett, Wash., to be with her sister who was gravely ill, is expected home within a few days. Mrs. Klein's sister died Friday about midnight of double pneumonia. Mrs. Klein's home is at M avenue and Oak street.

Return Home— The coach and nine basketball players of Columbia university of Portland were en route home today after a two-day series in La Grande with the Eastern Oregon Normal school. The two teams broke even, each winning one and losing one.

Ship Horses— E. W. Canniff, of Gresham, Ore., who has been in this district for several days on a business mission, shipped a carload of horses from La Grande to Western Oregon last night. He is expected back here in about two weeks when he expects to make arrangements for another carload, consigned to the Willamette valley for sale among small fruit and vegetable growers. There are approximately 22 horses per carload.

Commission Meeting— The city commission will hold its weekly executive session in the city hall at 7:30 o'clock tonight.

Recovery— Mrs. J. L. Waller, who was ill last week of the flu, has recovered, according to reports.

Benefit Dinner— For the purpose of raising funds to help pay for the cabin at Five Points, the Boy Scouts will give a benefit dinner at the Christian church basement from 5 to 7:30 o'clock Friday evening. The public is invited. There will be plenty of time after the dinner to attend the band concert. The boys and their mothers are in charge of the ticket sale, and the women of the Christian church are to prepare and serve the meal, donating their services.

Omit Prayer Meeting— The regular weekly prayer meeting at the Baptist church will be omitted this week on account of the evangelistic services which are being held in the chapel of the American Baptist Publication Society, which is located at the railroad crossing on Fir street. The chapel car services begin tonight at 7:30 o'clock sharp, with Rev. C. W. Cutler preaching on the subject, "What the Holy Spirit is."

Son is Born— Mr. and Mrs. Otis Veal are the parents of a son, born last night at the Grande Ronde hospital.

Gives Talk— Dr. J. F. Ingle spoke Monday at an 11 o'clock social science assembly at the High school. He showed that with health nothing is really impossible while without health nothing is scarcely worthwhile. The average person, especially young people need 9 or 10 hours of sleep, he said. The speaker said that pain was man's greatest friend. He discussed pain, pulse, blood pressure and temperature as the four cardinal symptoms of the body, showing that the body condition was upset. Three diseases that are almost painless until almost hopeless are tuberculosis, cancer and Bright's disease, he said, adding that pneumonia is man's greatest killer. Dr. Ingle advised young people to meet their problems as soon as possible and get them behind them so they could get ready to face new ones.

Club to Meet— The Stitch and Chatter club of the American Legion auxiliary will meet at the home of Mrs. Frank Eames, 1906 Second street on Friday afternoon, according to an announcement made today.

From Baker— Mr. and Mrs. R. C. Noyes and baby, of Baker, were La Grande visitors last evening, attending the birthday dinner party given at the Ballard home on Second street.

Boys Shop— W. M. Fitzgerald has purchased the Rex barber shop from Ross Perry.

Stores to Stay Open— Stores of La Grande will not close on Washington's birthday anniversary, next Monday, in keeping with the usual practice here. Stores in Pendleton, Baker and other Eastern Oregon towns also will remain open. The city building, the court house, the post office and banks expect to observe the day as a holiday.

In Baker— Mr. and Mrs. A. R. Nelson, of La Grande, were visitors in Baker on a business trip yesterday.

Visiting Here— Jack Kincaid, of San Francisco, is in La Grande visiting friends and relatives for a few days. He is a former La Grander, having graduated

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DEFENSE IS CHARGING NO DEATH PLOT

(Continued from Page One)

Baker county, met it with vehement contradictions. That Officer Helms and Captain Lee Noe had no authority to arrest the young men, was pointed out by Cochran, since no warrant had been issued in the state of Idaho for the robbery of a service station, and since the officers had no other information except that they were asked to watch out for the sedan with a Missouri license. Owen and Crosswhite were acting in their right to resist unlawful arrest, he added, citing several cases in legal records in which the same occasion had arisen.

District Attorney Helm replied that in the state of Oregon unless the slayer knew at the time of the arrest that it was illegal, the law did not apply. The young men had their guns ready to shoot and made a "run for it" and shot on the run, and they repeatedly told Orlean Woodhouse and Merilyn Collett, their girl companions, that they were ready to shoot it out if any body attempted to arrest them, the prosecution maintained.

Mr. Finch pointed out that although there was no evidence of premeditation so far as Amos Helms was concerned, they had not only told the girls that they would shoot it out with all comers, but had also made statements voluntarily in which they confessed to holding up a service station in Idaho and that they didn't intend to be taken. The law of Oregon states, he added, that threats against an entire family or a class of persons, in which category the state police falls, shows malice and criminal intent when one becomes a victim even if no special member of the group is named.

Cochran Replies Mr. Cochran replied that Mr. Finch's text read only "malice and criminal intent" but said nothing of premeditation or deliberation.

The attorney for the defense stated that premeditation cannot be shown by inference or suspicion, but by statement introduced by the state and that the state has revealed no facts to prove that the act was deliberate. The attorneys for the defense cited the instances of the testimony of Miss Collett, the confessions of the young men and the evidence brought forward by Fred Tillman, Idaho Falls deputy sheriff, all of whom agreed on the robbery of the station and which, the state believes, would disprove the statement made by Mr. Cochran that no evidence had been given proving the felony in Idaho in spite of the fact that no eye witness has testified and would be sufficient fact to corroborate the confession which the laws of Oregon declare cannot be used against the defendant unless there are facts sufficient to prove it.

Miss Woodhouse Excluded A new development was introduced into the case yesterday afternoon when one of the state's most valuable witnesses, Orlean Woodhouse, 19, of Lincoln, Ida., was disbarred from testifying since she is Owen's common-law wife under the statutes of Idaho in spite of the fact that their marriage has not been legally solemnized. The laws make it impossible for a woman to testify against her husband unless she has her husband's consent. Miss Woodhouse, when she took the stand, said that John Owen told her that he would marry her if she would agree to the marriage, after they lived together as man and wife.

Mr. Cochran pointed out that two persons above the age of consent, 18 years, both of whom are favorable to the agreement, are married under the Idaho law if both assume marital relations. They lived together and had no intention of separating until they were separated at La Grande at the time of their arrests, he said. Yesterday was the first time that Miss Woodhouse announced that she and Owen had agreed to marry, and she told Mr. Helm in previous interviews with him that she was 17 years old, the district attorney stated. Miss Woodhouse replied that she had ascertained her correct age recently through correspondence.

Miss Collett, Crosswhite's companion, was recalled by the defense during the afternoon. She and Keith Crosswhite occupied the same sleeping quarters at Rupert and Boise, where they stopped to spend the two nights which elapsed after they left Idaho Falls on Oct. 16, until they arrived in La Grande on Oct. 18. Miss Collett took money from Crosswhite, she testified, and when questioned by the attorney for the defense, she answered that she had taken the

money because she wanted to get away. "Didn't you want to go?" Mr. Cochran asked. "Isn't it a fact that when you were taking your clothes out of Orlean's suitcase, that you cried and begged to be allowed to come on and that Keith said that you wanted to stop so you had to stop?" Miss Collett replied that she didn't remember that she had wanted to accompany them further and was emphatic in her denial that she cried and begged to drive on with her three companions.

Captain Noe was called to the witness stand yesterday afternoon and described the shooting. After he and Mr. Helms crossed the street, Captain Noe testified, he saw Crosswhite enter the car, and immediately afterwards the car started out across the street. They traveled 40 or 50 feet toward the officers and then started shooting. Captain Noe saw Owen and Crosswhite in the car and saw Mr. Helms sink to the ground after he had been hit, although he stated that neither he nor Mr. Helms had their hands on their guns until after they saw the long barrel of the Luger, which was carried by the occupants of the car, thrust up over the side door by Owen. Crosswhite was driving. Helms dropped at the first shot, and Captain Noe emptied his gun into the left side of the car.

In questioning Jesse Breshears, Attorney Cochran attempted to prove that the confession which his client and his companion signed following their capture was taken under duress, but both Mr. Breshears and Walter A. Bean, national guard captain who was asked to be a member of the jury, stated that they were ready to testify that any statement they made might be used as evidence against them. Crosswhite and Owen gave the confession voluntarily and under no threats or promises from the district attorney or any members of the state police who were present in the office of Sheriff Breshears at the time, they testified.

Motion Denied Mr. Cochran asked that the confession be stricken from the testimony, since he believed that it was made under stress, and the motion was denied. Several parts of the confession were suggested to be stricken out by Mr. Cochran and the matter was turned over to Judge Knowles for a decision, but the bulk of the confession was entered as evidence. Mr. Breshears described the man hunt and the final capture by Frank Osmond, Mr. Carpenter and himself near Kamela. The young men were covered and handcuffed and brought to La Grande. Three guns and cartridges were found on their persons at the time of their arrest, including an unloaded Luger which is unsafe

when loaded because of a broken safety spring, and entered as evidence in the case. No threats were made against Owen and Crosswhite at the time of their capture by either the officers of Union county or by the state police, although it was stated that the sheriff of Umatilla county, along with other persons, uttered threats of hanging following the arrest.

When arrested, Crosswhite and Owen stated that "if the officer had done what we told him to do he wouldn't have been shot." Sheriff Breshears stated, and added that they confessed to having told Mr. Helms to hold up his hands. The sheriff replied that an officer who was about to arrest a man didn't hold up his hands.

Mr. Breshears also described the attempt to escape by sawing their way out of the door with files fashioned from the mainpring of an alarm clock with a whetstone. The prisoners had talked about escaping, Sheriff Breshears added, and Owen was said to have admitted that if he found out he was to be hanged he would run out because he felt it more honorable to be shot than to be hanged.

Crosswhite and Owen had no attorney because they asked for no attorney, and they never consulted a lawyer until Mr. Cochran was appointed by the court, but any lawyer could have seen them, Mr. Breshears replied in cross-examination to questions of Mr. Cochran. Mr. Osmond, of the state police, this morning corroborated Sheriff Breshears testimony on the witness stand, and George Alexander, deputy superintendent of the state police, of Salem, and Captain Noe, of Baker, both confirmed the sheriff's description of the period following the arrest. All agreed that no threats were made against the defendant at the time of the arrest, with the exception of a statement made by Sheriff Tom Gurdane, of Pendleton, who, in the young men's presence asked "if anyone had a rope." The testimony of Mr. Alexander showed that both Owen and Crosswhite said that they had shot at the officer about the same time but neither knew which had shot first.

Captain Noe, when asked regarding the statements of the young men concerning the guns, said that Crosswhite told the officers that Owen had stolen the Luger from his brother-in-law, and that Crosswhite had bought the .38 from a boy in Springfield. They also said they had the guns "because they didn't intend to be taken."

Mr. Osmond said that the young men asked if the officer they had shot was dead, and they were told "no." Whereupon they replied that "if he had done what they told him

to he wouldn't have been hurt." They had told him to stick up his hands, Mr. Osmond testified they said. Attorney Cochran asked the officer if the boys had not been taken into the tax department where the crowds were allowed to parade by them. Mr. Osmond stated that such had not been the case when he was present, but Captain Noe testified that they had been taken from the sheriff's private office for a few minutes and were taken into the tax department, although he added that he didn't follow them there and was unable to say what happened during their absence.

The paraphernalia which the young men used to attempt to saw their way out of the jail was admitted as evidence. W. E. Beckwith, who operates a service station on Greenwood street, is testified, when called as a witness by the state, yesterday afternoon, that he saw the sedan, in which Owen and Crosswhite are said to have been riding, drive out of the Playle station and saw one of the occupants start shooting at a man in uniform. The uniformed man, whom Mr. Beckwith found to be Amos Helms, fell in the driveway at the Beckwith station. His description of the shooting, as well as those furnished by Bert Higgins, Playle station operator, and Charles B. Miller, architect, who was at the station at the time of the shooting, corroborated the description furnished by Captain Lee Noe, of the state police yesterday morning.

SIR EDGAR SPEYER DIES BERLIN, Feb. 17 (AP)— Sir Edgar Speyer, 69, former privy councillor of Great Britain who resigned his post at the beginning of the World war in 1914 after he was charged with disloyalty, died last night at a clinic here. British newspapers accused him of being pro-German in 1915 and he resigned, afterward going to the United States to live. He was a prominent figure in British financial circles and was chairman of the London underground Electric Railway company, which operates the equivalent of New York's subway system.

Active Ignorance Nothing is more terrible than active ignorance.—Goethe.

LESLIE M. SCOTT NAMED CHAIRMAN OF COMMISSION (Continued from Page One)

sired in highway administration. Scott was named chairman following this conference. The commission members announced they had not considered the engineering problems, nor the reported plans to reorganize the department at Salem at this time. The members will meet again this afternoon and later will visit the highway department, they said.

The statement issued by Scott in full is as follows: "The Oregon state highway commission realize the serious responsibility placed upon it and the desire of the public for prompt measures. Economy and efficiency are the objectives. This means that costs are to be reduced. The highway system

Terrifies Hawaii



Here is Daniel Lyman, "Hawaii's most desperate criminal," whose name has figured prominently in news from that island since his recent escape from a territorial prison. Lyman has been blamed for several attacks on women, both before and since the arrest of Lieutenant Thomas Massie, U. S. N., for the killing of a native who is said to have attacked Massie's young wife.

New "Cabinet Daughter"



One of the prettiest members of Washington's younger society set in Dorothy Fell, above, daughter of Mrs. Ogden L. Mills, wife of the newly appointed secretary of the treasury in President Hoover's cabinet. Miss Fell made her debut last winter.

Human Sacrifice To Crater God Blamed

BATAVIA, Java, Feb. 17 (AP)— Voluntary human sacrifice to the "crater god" is generally accepted here as the explanation for the disappearance of five Javanese who left three months ago for the top of Merapi volcano. Today a searching party found five bundles of clothing at the rim of the crater. A rope dangled over the edge.

AMES SOUTHS CHAMP FROM BERTH ON MAT TEAM

AMES, Ia (AP)— Three pin-falls in less than ten minutes in his first three varsity matches explains why Roland Lillie, a sophomore at Iowa State, has edged out a champion teammate for the 118-pound varsity wrestling assignment. Lillie, a former state high school titlist from Carroll, Ia., pinned his foe from Iowa State Teachers, Kansas State and Missouri, each in less than five minutes and the trio in a total period of less than ten minutes of grappling.

BOOTH LEAVES SANATORIUM

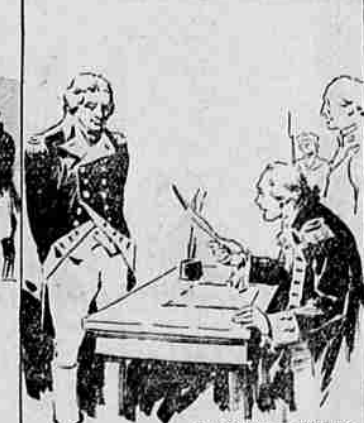
NEW HAVEN, Conn., Feb. 17 (AP)— Albert J. Booth, diminutive captain of the Yale football squad, returned today from a Wallingford sanatorium, the lung ailment that terminated his football career greatly improved. Physicians said he might attend classes but he will be forbidden to engage in any athletic activity.

WASHINGTON



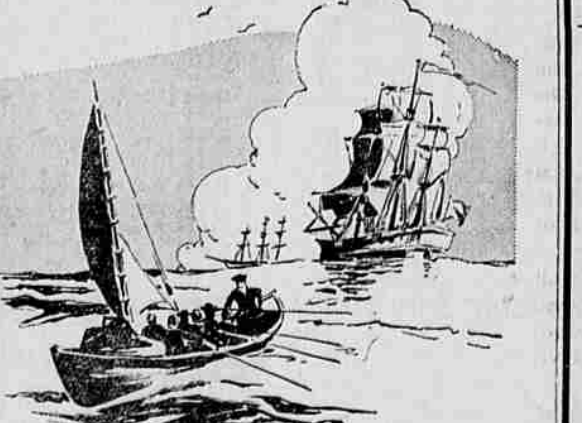
Washington held his strong position at Valley Forge despite the semi-starved, ill-fed condition of his men.

HIS LIFE STORY IN PICTURES, COMMEMORATING THE 200TH ANNIVERSARY OF HIS BIRTH



Treachery of Charles Lee, who later was court-martialed, upset Washington's strategy.

8. Valley Forge



Arrival of the French fleet helped isolate the British at New York City.

Public acclaim of General Washington in 1776 soon turned to condemnation. The year of 1777 was marked by a series of setbacks. The British captured Philadelphia; Congress fled to the interior; enemies schemed to displace Washington, and another general took the spotlight by his victory over the British at Saratoga. Washington, falling in an attack upon Germantown, was forced to take up winter quarters at Valley Forge. This was probably the darkest phase of his career. While the British were living in luxury in Philadelphia, the Americans, ill-clothed and half-starved, were dying on the frozen hillsides of Valley Forge. Washington's strength of character was again demonstrated when he held his men together throughout the winter, despite grumbling and the meddling of Congress.

Alliance with the French in the spring of 1778 altered the grim outlook. The British, fearing a French blockade, hastily retreated from Philadelphia to New York City. Hoping to cut off part of the enemy, Washington rushed his men forward, and the battle of Monmouth followed. His strategy failed, however, due to the treachery of Charles Lee, who gave a sudden order to retreat. Arrival of the French fleet in July, 1778, isolated the British in New York City and surrounding territory, and Washington distributed his troops in cantonments around the city and in New Jersey.

TOMORROW: The surrender of Cornwallis' troops at Yorktown.

Committee Named To Hear Protest

WASHINGTON, Feb. 17 (AP)— A senate judiciary sub-committee was appointed today to hear persons who have protested the appointment of Judge Benjamin N. Cardozo, of New York, to the supreme court bench. The hearings will begin Friday.

The sub-committee named by Chairman Norris (R., Neb.), comprises Senators Robinson (R., Ind.), Schall (R., Minn.), and Ashurst (D., Ariz.). Chairman Norris said he had already asked the persons protesting to be present.

One of them is William H. Anderson, general secretary of the American Protestant Alliance and a former superintendent of the New York Anti-Saloon League.

MacDONALD WEARING EYE SHADE LONDON, Feb. 17 (AP)— Wearing an eye shade and a bandage over his left eye, Prime Minister Ramsay MacDonald arrived at No. 10 Downing street today to preside over an important cabinet session.

Mr. MacDonald, who recently underwent an operation for glaucoma (diminution of vision) in his left eye, also had a slightly swollen face as a result of a tooth extraction. He planned to go later today to his country place, Chequers, for a rest prescribed by his physicians.

The Montana highway commission spent nearly \$10,000,000 in improvement of the state's principal road system in 1931.

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