### RUSSELL HECKER ASKS NEW TRIAL OF MURDER CASE

Misconduct of Five of Jury Is Charged; Lack of Evidence To Warrant Conviction Is One of Three Claims Made.

ERROR OF COURT IN RULING IS ALLEGED

Action To Ask New Hearing Of Affair Taken One Day Before Final Lapse of Time.

Hecker, convicted July 1 for the mur- court, it was understood. der of Frank Bowker, Portland musician, was filed here Tuesday by Hecker's three attorneys.

Insufficient evidence to constitute a conviction, misconduct of the jury and errors of the court on points of law are the three reasons given for the

The charges of misconduct of the jury are made on the basis of four affidavits to the effect that during the course of the deliberation the five women members of the jury left the petit jury room and unaccompanied by the bailiff, walked into another room some distance down and across the hall. The affidavits are signed by George S. O'Neal and T. E. Shea, who were representatives of two Portland newspapers at the trial by Percy M. Johnson, one of the witnesses for both state and defense and by B. J. Hecker, father of the 24-year-old murderer.

Error Is Claimed

In claiming error on the part of the court the defense states that Judge Campbell erred in refusing to allow the motion for dismissal after the completion of the state's case in chief, erred in the admission of certain evidence objected to and further committed an error in refusing to give cerholds the hearing on the question.

ed 24 hours before the period for its ed 24 hours before the period for its the government, veterans needing completion expired. July 19 was set as the final date for the request to vocate the verdict and remand the case for a second trial. The motion is signed by all three of Hecker's attorneys, Gale S. Hill, Thomas F. Ryan and Gilbert L. Hedges.

Shot In Self-Defense

courts, was one of the most sensational in several years. The death of this year, he stated. Bowker, and the subsequent sinking

of guilty in the first degree. in an effort to brook the verdict.

#### MATCHES CAUSE DEATH OF 15 MONTH OLD CHILD

COTTAGE GROVE, July 13 .- The 15 month old daughter of Mr. and Mrs. Harvey Hough died this morning as a result of inhaling fumes from sula result of inhaling fumes from sulphur matches and from burns received GRL TO ASK CONSENT when her clothing caught fire. The child was found Wednesday with her clothing in flames but unable to make any noise because her lungs had been paralyzed by the fumes of the match-

The mother, who is only 16 years old, hastily rolled her baby in bed clothing and smothered the flames. The child is supposed to have reached a box of matches from a nearby table and in playing with them to have caused their ignition.

#### PORTLAND YOUTH LOSES LIFE WHILE SWIMMING

TWIN ROCKS, Ore., July 13 .- Robguards, who grappled for the body un- may propose. til a late hour last night, failed to re-

### OSWEGO CITIZENS DROP CHARGES AGAINST COPS

Officials In "Cruelty" Case Puts Sudden End to Action. Investigation Made by Federal

Under close investigation by gov ernment and other officials, the avowed intention of Oswego citizens to file a complaint against the federal prohibition department seems to be weakening, according to Jesse E. Flanders, chief of the field force of the prohibition squad.

Following the arrest last Saturday light of Frank Marcellas, 18-year-old lad of Oswego, on a charge of drunkenness and possession of liquor, a and several citizens of Oswego chargng prohibition agents with manhand ling the boy. The complaint, in which the Oswego citizens alleged unneces sarily cruel treatment in subduing the Motion for a new trial for Russell boy, was to have been filed in circuit

The charges were laid directly

and taken to jail there. cording to Flanders, and when Marcellas was arrested it is said the mayor requested them to bring the prisoner to Portland, as accomodations at the Oswego jail were meager. It was while the agents were taking the boy to that city in an automobile that the alleged 'unnecessarily cruel treatment'

To aid local ex-service men and wo men concerning their disability claims and their expediting of any negotiations which they might have under way with the government. Zach Taylor, special contract representative of the U. S. Veterans' bureau, is to spend tain instructions to the jury requested the remainder of the week in Oregon by the defense and in giving other in- City. Mr. Taylor is at room 204 Mastructions to which the defense ob- soulc building, and will be there un-None of the definite points til Saturday noon to aid all world war indicated are listed in the motion, but veterans seeking compensation bewill be argued when Judge Campbell cause of war disabilities, former service people unable to carry on their The motion for a new trial was filmedical treatment or hospitalization and those who wish to renew their war risk insurance.

Mr. Taylor announced that the time nearing an end unless the veteran secertificate of injury before August 9

were kent a complete mystery until was discharged from the army or nathe defendant himself took the stand. vy December 1, 1917, and filed claim Hecker testified that he shot Bowker for compensation December 15, 1922. in self defense as the result of a boot- His claim must necessarily be disalleggers' quarrel. The jury was out 59 lowed because he failed to apply for minutes, when it returned a verdict compensation within five year period than in many other cities of the Unit-Hecker at present is at the state which he must get before August 9. penitentiary under sentence to be The Veterans' Bureau is eager to effect in 140 cities, six other cities hanged on September 22 for the crime have every veteran know the rulings have a fare of 9 cents, 26 cities pay 8 committed at Clackamas station on on this important matter in order that cents per ride, with an extra cent for the night of Easter Sunday. His at- no former service man or woman transfers, and 83 cities have a fare of torneys indicate that the case will be will lose his or her right to make apeither fought through the lower courts plication for government compensaagain or carried to the supreme courts tion because of failure to secure this certificate of injury within the short

Announcement was made that the Veterans' Bureau representative will assist veterans of Oregon City in making proper application for the certificate of injury, thereby protecting case their war disabilities become agyear period to such an extent that they are compensable under the law.

CHICAGO, July 14.-Mathilde Mc-Cormick left today to make a final plea to her grandfather, John D. Rockefeller, for consent to her marriage to Max Oser, Swiss livery stable proprie-

Mathilde planned to join her father in New York and after visiting Rockefeller they will sail for Europe.

#### Russian Delegates are Ready to Leave; Hague Meet Ends

THE HAGUE, July 14.-The interert Shoemaker, 18-year-old son of Mr. national conference on reconstruction and Mrs. A. W. Shoemaker of Port- of Russia ended today, except for the land, lost his life while swimming in reports of the sub-committees and for Ocean lake near here yesterday. Life resolutions that some of the delegates

The Russian delegates, whom the cover it. According to witnesses, the allies blame for the break-up in the appeal from Marion county. boy was swimming with a number of meeting, deny that they have changed companions. He sank suddenly and their attitude. They said they were decision by Judges Percy Kelly and appeared to have been attacked with getting ready to leave at once unless George Bingham, and the case was Dubois, physicians said, will die unless

## **COUNTY AWARDS** \$111,000 IN NEW **ROAD CONTRACTS**

Pavement of 9.1 Miles To Be Begun with 7-In. Concrete; Oregon Construction Co.

SALE OF BOND ISSUE IS SET FOR AUGUST 7

complaint was signed by the mayor Action on Building Program Is Result of Decision To Join Funds for Financing.

Contracts totaling \$111.980.30 for grading and hardsurfacing of 9.1 miles against Prohibition Agents Price and of market and bond road in Clacka-Christensen, who brought Marcellas to mas county were awarded to the Ore-Portland after he had been arrested gon Contract company here Monday by the Oswego marshal and constable afternoon. Over nine competitive series of bids, the Oregon Contract Com-Price and Christensen had been in pany secured the entire job which will Oswego on official investigation, ac- involve the big portion of the work to be done this year, The contracts, and the roads

which they let are: Molalla south, one mile, \$8,838.55; Wright's Bridge section of Molalla road, 31/2 miles, \$37,903.55; Oregon City-Molalla road south from Oregon City 2100 feet, \$7,603.68; South End

road, two miles, \$26,383.60; Hardscrab-

ble road, 2.1 miles, \$31.256.52. All of the improvements are to be of seven inch concrete, 1, 2, 3 mixture, of the Oregon State Highway commission specification. The roads are to be built nine feet in width for the majority of the contracts, but in some

places 16 foot pavement is included. The awarding of the contracts is the result of the decision of the county court to combine both market and bond road funds on some of the main county improvements. The sale of a \$152,950 bond issue August 7 is pending to finance the improvements

#### Electric Company Files Answer to 6 Cent Fare Petition

SALEM, July 17 .- Declaring that "8 Power company today filed with the public service commission its answer for filing claims for compensation is to the petition of the Housewives' Council of Portland for a return of cures a certificate of injury. The the 6-cent fare. Present rates in eflaw gives the former service man five | fect on the lines of the Portland street The Hecker case, tried in the local years after discharge to file claim or railway system, the answer points out. based upon the traffic handled, are not sufficient to provide for actual "For instance," stated Mr. Taylor operating expenses, depreciation, taxof his body in the Calapoola river in an advance communication, "a man es and a reasonable return upon the

value of the street railway property. The answer contends that not only are the rates charged patrons of the Portland street railway system not excessive, but on the contrary are lower unless he has a certificate of injury ed States. At the present time, it is pointed out, a fare of 10 cents is in

#### Ex-Soldier Drowns When Canoe Upsets

SALEM, July 17.-Lester Crum, 26 years old, an employe of a local rest- freight for points on the Willamette them against loss of compensation in aurant, was drowned here last night Valley Suthern railway. In the when the cauoe in which he and freight were several barrels of oil gravated after August 9th or the five James Anderson, another restaurant worker, were riding upset.

Crum, it was said, was unable to flames. swim, although he had informed Anderson that he could. When the cacapsized. Anderson, believing Crum could swim, paid little attention to him and proceeded to push the canoe the sixty feet to shore.

W. Pattison, employed at Salem paper mill, recovered Crum's body with the aid of grappling hooks. Crum is survived by a widow. He was an ex-service man and a member of the Oregon National guard.

#### State Bonus Body Commission Wins in Oregon High Court

SALEM, July 18 .- The state bonus today when a decision was handed have to come from some other source. down sustaining the commission as the final authority in making appraisals for loans to ex-service men and

The title of the case was: Edwin Stevens Woodford, respondent, vs. Ben W. Olcott and members tisement, published in a Columbus paof world war veterans' state aid commission, defendants and appellants; The opinion by Justice Rand reversed the to dismiss the proceeding.

### FUNDS MAY BE RAISED TO AID RECOUNT CASE

Friends Say That Governor Is In No Position to Bear All Costs of Frimary Recount.

SALEM, July 18 .- Countering the efforts of the Ku Klux Klan, which is raising a fund of \$50,000 to finance contest instituted by Sengtor Makes Lowest Bid on Work Charles Hall against the nomination of Ben W. Olcott for governor on the Republican ticket, Salem friends of Olcott this morning announced the organization of a committee to receive funds to defray the governor's share of the expense in the recount pro

"Governor Olcott is confronted by an election contest which no doubt will be expensive," reads the statement made public by this committee today. "We feel, in justice to Governor Olcott, that this expense should not be borne by him and we know that he is not in a financial position to bear such an expense. We feel that he was fairly and justly nominated in a fair and square contest and we urge those friends who feel able and wish to do so to make such contributions as they care to to protect the interests of he friends and supporters of the governor who assisted to give him the nomination and do not wish to see it taken from him unless it is shown definitely and honestly that there has actually been such a miscount in the ballots as would fairly deprive him of such nomination."

#### 2 STILLS FOUND GOING IN BURNING RESIDENCE

Neighbors State Man Jumps Out of Window and Runs Away With Two Suitcases.

about 5 o'clock yesterday afternoon to put out a fire caused by an exploding operators in sight.

Shortly before the fire broke out. with two suitcases.

according to the neighbors.

In addition to the stills, the firemen found seventeen barrels of mash, several gallons of moonshine, prunes, er supplies bottles and sugar, enough to keep an ind shiner busy for about six months.

#### EARLY SUNDAY MORNING FIRE DESTROYS 2 CARS

Broken Trolley Causes Blaze Oil Rolled From Flames.

A broken trolley wire set fire to two freight cars at Fern Ridge station, on the P. R. L. & P. line, shortly after 2 o'clock Sunday morning. The train was en route to Oregon Cilty. The two cars, one a box car and the other a flat car, were loaded with

which the crew succeeded in unloading and rolled out of reach of the

The Oregon City fire department responded to a call for help and assisted in quelling the fire, but not until two

### YEAR OLD BABY IS NOT FOR SALE SAYS MOTHER

the market.

Love for the child late today tri- will die. umphed over Mrs. Augusta Turner's desire to see her mother cured of canemmission won in the supreme court | cer and funds for the operation will The child will not be sold.

"I love my mother and I want to save her, but I can't give up my baby Five Year Old Boy hov." Mrs. Turner says. The mother said she had received no answer to her "For sale" adver-

per, in which she set the price of her mother love at \$3000.

# **OAK GROVE DANCE** BY COUNTY COURT

License To Operate Pavilion At Beach Cancelled Thru Action of Judge With Two Commissioners In Accord.

SUNDAY STEPPING IS

Fight Over Legal Phase Of Question Looms; Lengthy Controversy Here Recalled.

The Oak Grove Dance pavilion license has been revoked by the county

county laws to run a dance at Oak the architect is at work upon it. Grove Beach has been withdrawn.

The action comes as the sequel to first of the year when the license was protest of County Judge H. E. Cross. At that time a vigorous campaign against the dance hall was 'waged by the residents of the district on the basis of the conditions there the year be- this time. Mr. Wright stated. fore. A petition protesting against the license, with some 80 signatures attached, was presented to the court. The revocation of the license was upon the basis that dances are run there on Sunday. The license ex-

pressly prohibits this action. It is further cited in the order that the notice had never been posted as required under the county provisions. The Oak Grove management however claim that a county license is not needed. As the "Oak Grove Beach So-

PORTLAND, July 13.—Firemen who state incorporation and refuse to take 30, of this city, was instantly killed dashed to 708 Alleghany street at any cognizance of the action of the yesterday when she was struck by an county court. The operators of the beach are Harkerosene lamp, found two big stills op. ry Tregaskis and Mrs. M. L. Hubbard.

A legal tangle over whether or not

the dance can be closed on Sunday or whether it can be closed at all is expected. The sheriff's office has not neighbors who turned in the alarm intimated what action it would take, declared they saw a man leap out although a number of arrests on varthe front window of the house and flee lous charges have been made at the the engine swooped down upon her. to the structures which were burned beach this year. At the time the li- Members of the train crew declared cense was insued, it was done over she had ample time to save herself. to escape. Blakely succeeded in sav ride," the Portland Railway, Light & dwelling, two men and two women, the further protest of Sheriff W. J. Wilson and police matron Mrs. M. E.

#### Silverton Block Is Menaced By Blaze

SALEM, July 13 .- Six horses were surned to death and an entire business block was menaced for a time today when a fire, starting from an unde ermined source, broke out in the Fred Lawrey stables at Silverton shortly after 4 o'clock this morning.

The stables, a lumber yard owned by the Silver Falls Timber company, At Fern Ridge; Barrels of and the H. L. Stiff Furniture store each suffered damage. The total loss was estimated at \$7800. About \$1000 insurance was carried by Lawrey. Since three tons of hay were placed

in the Lawrey barns yesterday, it is believed that the fire may have resulted from spontaneous combustion. When first discovered the blaze was the bandits had loaded every barrel The use of the pumpers was not newell under way and fighters feared it in the place on their trucks and dis-cessitated as there is sufficient presmight spread rapidly.

#### One Killed, Three Seriously Hurt In Logging Car Wreck

LA GRANDE, July 13.-William Palmer, aged 12, was almost instantly cars were completely destroyed to- killed and his father, James Palmer, gether with a large quantity of the Mrs. Pete Mengas and Leonard Leslie Oil Controled were seriously hurt when a car of a logging train on which they were riding broke loose from the train and dashed down the logging road from the Palmer Lumber company camp to Vincent on the Joseph branch, where it was derailed. Several others were on the car, but

Palmer and Leslie were members of the train crew. The dead body and BYESVILLE, Ohio, July 13.—Thir- injured were rushed forty miles to La several Standard oil companies have wires are down in this section. Boone's een months old Richard Turner is off Grande, arriving here late last night. It is not thought any of the injured

Failure of brakes is given as the cause of the crash. Mrs. James Palmer, mother of the dead boy, and Mrs. Mengas' six months' old baby escaped unhurt.

## Drowns In Columbia

ASTORIA, July 14.-Eino Matson, crude petroleum producer and the gas-5 year old boy, was drowned here in She offered to sell Richard to ob- the Columbia river Wednesday while cy of the Standard through a monoptain funds to prolong her mother's life, playing on a log. Another boy who The child's grandparent, Mrs. Leon was with him on the log said nothing 1921" by acquirements of the Standard of the accident until too late. The Oil company of Indiana, the commisremanded with directions to sustain she is sent to a sanitarium for treat- body was found yesterday. The boy Fifty-second avenue. Southeast, Port- bers may remain here until next Wed- the bonus commission's demurrer and ment which will cost approximately was the son of Mr. and Mrs. Alrick ditions in other sections of the country was the son of Mr. and Mrs. Matson of Astoria.

#### CAPITAL INCREASED BY BANK OF OPEN SOCIETY TY \$50,000 RE HI AND OF Will Raise

Resordant to Two Millions;

**Building Improvement Plan** 

A \$50,000 increase in the capital of he Bank of Oregon City was voted Thursday night at a special stockholders' meeting. The increase will raise the capital of the institution to \$150,000. The surplus of the bank has been increased to \$30,000.

The change in the capitalization is the second since the bank was found-CAUSE OF NEW ORDER ed here with a capital of \$50.000 in 1881. In 1916 the capital was increased to \$100,000. The latest change will give the institution, which is the oldest in the county, the largest capital stock in its field, and will raise its total resources to approximately \$2,

Plans for renovation of the bank quarters are being drawn and work will be started in about two weeks. The complete revision of the arrangement of the fixtures is planned togethr with added accommodations for the With all three members of that body bank's customers. The definite detail, oncurring, the permission under the however, has not been completed, and

bank," explains Will T. Wright, presi- fire was discovered by E. T. Mass, long series of events, starting the dent, "has been made necessary by the increasing business in order to issued by the two commissioners, W. F. keep pace with our growth. The aug- fire department arrived, the three mentation of the capital stock has structures at the corner were entirely been made solely through the earnings of the bank."

No changes in the organization or directorate of the bank, are planned at

#### LIVES OF TWO BOYS ARE SAVED; LOSES OWN LIFE

ELLENSBURG. Wash., July 13 .-Unable to save her own life after she chased by Knoepel and Schofield had saved the lives of her two small cial Club" they are operating as a children, Mrs. Pearl McMikel, aged eastbound special train on the Chicago, Milwaukee & St. Paul fine, four

miles northwest of Ellensburg. The mother, accompanied by her two children, was crossing a railroad trestle when the speeding train approached. She seized both boys and in their night clothes. C. A. Rosen-She was struck when standing in the ing his automobile but all of their middle of the track. She was the wife of Willar McMikel of this city, and a daughter of Mr. and Mrs. Mitchell Stevens, early residents of the Kittitas valley. She is survived by her widower and three children.

### of Unknown Origin 300 BARRELS OF WHISKY TAKEN BY 60 BANDITS

OYRK, Pa., July 15 .- Sixty armed men with 15 trucks raided the Foust Distlfery near Glen Rock early today, north of the quarter block, was damseized 300 barrels of whiskey and dashed for the Maryland line.

George Strine, a guard, said he was right." He was able to report the could not be controlled

appeared. Keeping the three guards covered, booty, the caravan of trucks roared had taken about six hours. away, headed apparently for the Mary-

#### By Monopoly, Is Federal Charge

WASHINGTON, D. C., July 13,-That "monopolistic situation" with respect to gasoline prevailed over the terlocking stock ownerships in the "perpenated the very monopolistic control which the courts sought to terminate," was asserted today by the federal trade commission which recommended in a report to congress the enactment of legislation prohibiting "common stock ownership in corporations which have been members of a combinatin dissolved under the Sher-

Dealing specifically in the report with conditions in the gasoline trade n Montana and adjacent states, where the commission declared the oline consumer were "both at the merolistic position perfected in 1920 and sion reported the conclusion that "contry are not radically different."

# DAMAGE \$56,000; CAUSE IS ENIGMA

Early Morning Blaze Sweeps Over Quarter Block; Loss Involves Many; Laundry and Restaurant Are Razed.

#### EIGHT ENDANGERED BY SUDDEN FLAMES

Structures Engulfed in Short Time; Heavy Pressure Aids Department in Hard Fight.

Fire of mysterious origin which did \$56,750 damage at three o'clock Tuesday morning, razed a quarter block at Fifth and Main streets and endangered the lives of eight people.

The blaze broke out in a vacant half of a store building, formerly occupied "The increase in the capital of the by Alex Schelerman, a tailor. The special night officer, but had gained such headway that by the time the engulfed in flames.

The losses are estimated as fol-

Oregon City Laundry, \$30,000, with \$10,000 insurance. Loss to property of laundry customers, \$10,000. Gilbert shoe store, \$3.000. Fifth street restaurant, \$6,500. Washburn and May garage, \$5,000. Red Front Clothing store, \$1,000. Ketchner confectionery, \$500. Individual residence damage \$750.

Laundry Suffers Big Loss

The Oregon City laundry, which see tained the most serious loss was purfrom C. L. Blakesley and son about a month ago. It had just been installed with emplete new equipment.

Blakesley and his wife and two grand children, Lavina and Ernest, Jr., occupied an apartment over the laundry. The little girl was awakened by the flames cating through the walls of her bedroom and aroused the family. They had barely time to escape were warned of the fire barely in time

personal belongings were burned. Blakely owned the Fifth street restaurant, which was a total loss. The building was owned by C. P. Gates, of Portland. L. Wolf, of 33 N. 3rd St., Portland, who owns the Red Front clothling store, damaged by the flames, recently purchased the shoe store building in which the fire started. The building to the north of the fire was saved by fire proof struc-

Car Is Destroyed

The garage of Washburn and May to the rear of the laundry building, was destroyed. One car was lost.

The Overton home, directly to the aged and several other residences, including the Thomas Pope home on Water street, were slightly damged. surrounded suddenly by men with au- The flames were fanned by a strong tomatics, who forced him to phone the wind and in spite of the seven lines police here that everything was "an of hose with 120 pounds of pressure facts of the gigantic raid only after buildings were completely burned. sure below the bluff at that point. The fire had been practically extinaccording to Strine's story, the raid- guihed at four o'clock. The firemen, ing "army" rolled barrels of whiskey when called to fight the Main street from the storage room on the third blaze, had returned about two hours floor of the distillery down to their before from burning the dry grass fleet of trucks. Having secured their along the face of the bluff. This work

### MUCH DAMAGE DONE BY SWEEPING IOWA STORM

DES MOINES, Ia., July 17.-A storm of tornado proportions struck Boone and surrounding territory last night, according to meager reports received. It was reported that a cyclone hit entire country, due to the fact that in the town of Ogden, twenty miles west of Boone. Telegraph and telephone electric plant is out of commission

At Colfax, twenty miles east of Des Moines, a number of buildings were blown down and all windows in the business block were broken.

Trees, blown down by the storm, are blockading the streets and roads. Wire communications to Ames. Ogden, Grinnell, Boone and Newton are down and the latter town is reported to be in darkness.

Weather bureau reports indicate that the storm caused considerable damage to crops It was accompanied

by severe lightning. Telephone reports from the vicinity of Boone, thirty-five miles northwest of Des Moires, stated that a score or more of persons were slightly injured when automobiles in which they were riding were blown into ditches. Interurban street car service to Boone has been abandoned