

FAILS TO GET OUT

Suspected Lebanon Bandit Tries Habeas Corpus.

OFFICER AND LAWYER CLASH

Persistent Efforts of Attorney Watts to Consult Client Brings Stinging Reproof From Deputy Sheriff—Lawyer Appeals to Court.

J. A. Crowley, alias Harry Reynolds, one of the men held in the County Jail on suspicion of having been implicated in the Lebanon Bank robbery, was brought before Judge George yesterday in response to a petition for a writ of habeas corpus, sworn to by John F. Watts, attorney, Sheriff Word, as a return to the petition, produced a warrant issued by Justice of the Peace Robert Crossley, James Dunn, and A. D. Hendryx, with attempting to conceal stolen property. The Sheriff also exhibited to the court a number of 120 pieces which have a battered appearance. This, he explained, was caused by the effects of the explosion of the bank vault. This money, amounting altogether to \$900, was obtained by Mrs. Robert Schulte, wife of a saloonkeeper at the corner of Second and Clay streets. Crossley was arrested at 313 Second street, which is close by this saloon. After examining the return of the Sheriff, Judge George ordered the habeas corpus proceeding dismissed, and the prisoner remanded into the custody of the Sheriff.

While the argument was in progress, Watts, an attorney, and Deputy Sheriff Cordano engaged in a lively controversy in the court-room. Watts attempted to converse with the prisoner, when Deputy Sheriff Downey and Cordano ordered him to desist. Watts tried it a second time, and Cordano told him to quit or he would knock his head off. Watts sprang to his feet and appealed to Judge George, saying in dramatic tones, "If the court please, I don't think it is right in a court of law for a deputy sheriff to tell an attorney he will knock his head off if he attempts to speak to his client."

Court Takes No Heed.

Judge George, who was talking with Sheriff Word, and had not noticed the scene between the officers and Watts, answered: "You will not speak to the prisoner until the court orders you to."

"We warned him twice not to speak to him," said Cordano. The court did not notice this remark, and Ditchburn asked permission to consult with Crossley so as to prepare for the examination in the Justice Court, which must necessarily follow the warrant of arrest.

Before granting the desired permission Judge George questioned Crossley, "Do you go under the name of Reynolds?" was asked. "I am called that sometimes; that is a nickname." "Have you an attorney?" "These gentlemen represent me," alluding to Ditchburn and Watts. "When did you employ these men?" "I can't say that I have employed them."

"Do you wish to talk to them?" "I would like to."

The court then made an order allowing the attorneys to converse in his presence with the prisoner for ten minutes.

Hopes of Further Captures.

Sheriff Word states that he has been watching these men for six weeks. Kingsley and Rand, two of the gang who escaped and are supposed to have gone to Seattle, are said to be large. Sheriff Word went to Seattle expecting to apprehend them, but returned yesterday morning empty-handed. He still has hopes that the local officers in the Puget Sound city will effect the capture.

Dunn, Kingsley and Crossley are reported to have been seen at Albany last Tuesday, and trainmen employed by the Southern Pacific Company say they observed them. Hendryx is a father-in-law of Dunn, and told the Sheriff Dunn always had money, but never worked. Darland, another suspect who is in jail, was formerly a gambler.

POLICEMAN NO HORSETRADER

Officer Kay Appeals to Court to Straighten Out Deal.

Thomas Kay, a member of the police force, may be competent to guard the public peace, but he is not a success as a horsetrader. On April 29 last Kay contracted with Mrs. Hattie J. Shane to purchase a band of 200 horses on a range near Lake Owahee, Wasco County, for \$3000. He paid \$800 down, and on May 7 following gave out \$400 additional. The balance was to be paid in special installments. Kay alleges that he was informed the horses were Morgan, Altamont and Clydesdale stock. After he made the deal and had some of the horses shipped here he discovered they were mere scrub canyons.

Kay took H. A. Shane, a son of Hattie J. Shane, as a partner, and the two endeavored to dispose of the horses at a profit, but it appears they did not succeed in so doing. This is Kay's side of the story. He complained that he got the worst of the bargain and filed suit in the State Circuit Court against Mrs. Shane to recover \$1500 he paid her and also \$100 expenses. The case was on trial yesterday before Judge Sears. Kay testified that his partner, H. A. Shane, sold several of the horses and kept the money. Kay admitted that he sold a number of them to a man named Applegate for \$500. Kay further said he could only find out 20 horses on the range, instead of 200. There was considerable evidence about the money expended by Kay in keeping the horses and other matters. Judge Sears granted a non-suit on the ground that Kay was not properly in court. He will probably bring a suit in equity for an accounting and to rescind the contract.

Mrs. Shane was not called upon to make a defense, but her attorneys, Bernstein & Cohen, state that when the proper time comes they can show she acted fair in the transaction; that Kay never went over the range thoroughly to ascertain how many horses there were upon it, and did not live up to his contract.

WOMAN ASKS \$15,000 DAMAGES

Sues Street-Car Company for Injuries Sustained in Wreck.

Suit for \$15,000 damages, on account of personal injuries, was filed in the State Circuit Court, yesterday by Alice Downing against the Oregon Water Power & Railway Company. The complaint recites that on November 4, 1934, at Sellwood, a car of the company was run through an open switch at Sellwood, colliding with a freight car and throwing the plaintiff, who was a passenger, from her seat and upon the floor of the car. She complains that her spine was injured, her back and head bruised and her system badly shocked, and that she will never in the future be able to work or attend to any of the duties or affairs of life. Spencer & Davis appear as attorneys.

HOLD-UP PLEADS NOT GUILTY

Young Drummond Thought to Be Playing for Light Sentence.

James Drummond, who held up I. D. Keyser, an engineer, and John Lownds-

MULTNOMAH CLUB CHOOSES NEW DIRECTORS AND HONORS FOOTBALL MEN



W. H. CHAPIN. —Photo by McAlpin.



DAN J. MOORE.



A. S. ROTHWELL. —Photo by McAlpin.



C. F. SWIGERT.



J. W. HOLMES.

THE Multnomah annual election last night was a quiet affair. The candidates for the board of directors had been duly named by a nominating committee according to the custom of the club, and it was known that the club is in good condition and does not need to have the members rally to its support. The meeting was a distinct contrast to the one of a year ago. It had been

bruted about before that occasion that there would probably be something unusual of one sort or another. Those who came were fully satisfied, for Vice-President H. H. Herdman, who presided, gave a stirring address, in which he urged the members to take active measures towards securing a much larger membership for the club and save it from any possible financial difficulties. The result of that speech was directly

responsible for the present good condition of the club's finances, and indirectly responsible for the poor attendance last night. For it was as clear as day that the club has been going through a period of prosperity when, like happy countries, it has no history. The only speech of the evening was made by President Dan J. Moore, who had the pleasant duty of commenting upon the various departments of the club and saying that they were all in

good shape. He remarked, however, that football would be a better paying game, if it were not for the expense of the California trip. He also proposed that an initiation fee be charged reinstated members, and that the general initiation fee be raised to \$25. Following his speech, H. H. Herdman, chairman of the nominating committee, proposed as the new members of the board of directors W. H. Chapin, Dan J. Moore, A. S. Rothwell, C. F. Swigert

and J. W. Holmes. It was then proposed that the secretary be instructed to record a unanimous ballot and the motion was adopted. At the end of the evening little gold football pins marked "Northwest Championship, 1934" were presented to the members of last year's football team. A special loving cup was given by the directors of the club to Chester G. Murphy for his able work in coaching the team to victory.

dale, on the Madison-street bridge, pleaded not guilty before Judge George yesterday. The time of trial has not yet been set. John Ditchburn, attorney for Drummond, says he does not yet know what he will do in the case. He is awaiting a letter from the boy's mother in Colorado, which has not arrived. Drummond and Keyser had a duel with revolvers. Keyser refusing to be held up. Drummond was captured by Austin Maloney, a bridge-tender, as he was running away. It is said to be useless for him to stand trial, as the proof against him is overwhelming, but his attorney desires to show that Drummond had a good life in the past, and to get him off with as light a sentence as possible. The limit provided by statute for both offenses is 30 years' imprisonment in the penitentiary.

Is Willing to Support Child.

Jacob Rosenkrantz, whose divorced wife, Annie Hochman, has had him cited to appear in court for refusing to support and educate their minor child, Sadie, as ordered in the divorce decree, yesterday filed an answer to her petition. Rosenkrantz says, in response, that he sent the child to St. Helen's Hall, and that the sister superior declined to keep her because the child was too young and required more care than could be given to her. Rosenkrantz alleges that the only other institution of the kind in Portland is St. Mary's Academy, and the sisters would doubtless refuse to take his child for the same reasons given at the other place. He avers that he is willing to obey the decree of the court. The case will be passed upon by Judge George.

Farmer Loses His Mind.

John P. Anderson, who has gone crazy over religion, was arrested by Deputy Sheriff Cordano yesterday afternoon at the corner of Fourth and Taylor streets. The man was yelling at the top of his voice and when addressed gave irrational answers. Anderson says he has lived here for 13 years and has worked as a farmer. He

was locked up in the County Jail to await an examination by Judge Webster.

Will Admitted to Probate.

The will of the late Burbury Westwick, of Oak Point, Wash., was admitted to probate in the County Court yesterday. The property of the estate is valued at about \$300, and is distributed by the will as follows: To Mrs. Charlotte York, Portland, \$90; to Mabel York, a niece, lot 4, block 1, Eastland Addition, and lot 4, block 12, Sunnyside. The rest and residue of the estate is devised to Thomas Westwick, a brother residing in Ottawa. Mabel York is named as executrix.

Legal Jottings.

Lee Lung, tried and convicted Monday by a jury in the State Circuit Court, on a charge of smoking opium, was fined \$50 yesterday by Judge Fraser.

Inman, Poulsen & Co. have sued the Standard Box Factory, in the State Circuit Court, to recover \$160, balance due on account of spruce logs sold.

Tal Fu, charged with having opium in his possession, pleaded guilty in the State Circuit Court yesterday, and was fined \$50, which was paid. A similar case against Jim Lee was dismissed. A case of assault and battery against Arthur Leader, appealed from Justice Reid's Court, was dismissed by Judge George yesterday, on motion of the District Attorney. Joseph Leader and Augusta Leader were engaged in litigation concerning property, and Arthur, their son, had a quarrel with his father, and the old man caused his arrest. The old folks have since been divorced, and have settled their property differences.

Miners' Meeting Is Postponed.

The meeting of the executive committee of the Miners' Association, which was to have been held last evening, has been postponed until Thursday evening. It is hoped that all the members of the committee will be present, as business of importance to the mining interests of the state will be considered.

CONTRACT IS LEGAL

City Attorney Gives His Opinion on Bridge Extras.

CITY OUGHT TO PAY THE BILL

City Attorney McNary handed in an opinion to the Executive Board yesterday afternoon upholding the legality of the city contract with the Pacific Construction Company for the expenditure of \$50,000 for the construction of the Morrison-street bridge. The decision sets forth that there are two questions involved. First, whether or not the Executive Board must advertise for bids for material when it exceeded the amount of \$250, as provided by the city charter. Second, whether or not the Executive Board was limited in the price of extras to the actual cost thereof with 10 per cent added for supervision, etc., when the contract specifically stipulated "unless otherwise agreed upon."

City Attorney McNary held that the Executive Board in constructing the Morrison-street bridge was operating under an act of the Legislative Assembly, which superseded the provisions of the city charter in so far as the construction of

the bridge was concerned. He recommended that the bill for extras should be paid.

SCAVENGERS MAY BE TAXED

Ways and Means Committee Tries to Solve Garbage Question.

Members of the ways and means committee of the Council believe that they have found a solution for the garbage question. Funds with which to repair the old crematory and erect a new reduction plant will be raised by means of a tax. For every cubic foot of garbage consumed at the crematory the scavengers will be charged one cent. This will amount to about 30 cents per load.

While the burden of the taxation will thus rest on the scavengers it will be in the nature of an indirect tax upon the citizens, for as soon as the scavengers are obliged to pay the fee they will charge extra accordingly. This plan was suggested at a meeting of the ways and means committee, and the committee will now meet with the Board of Health to complete the details of the scheme. It is estimated that 100 loads of garbage a day will be consumed at the reduction plant this year netting a sum of about \$1,800, sufficient to make the garbage plant self-sustaining.

MR. MORTON MITCHELL SHOWS APPRECIATION.

ARLINGTON CLUB, Feb. 12, 1935.—D. Chambers, Esq., Portland—Dear Sir: I must express to you before leaving Portland the amount of satisfaction and the amount of relief I am experiencing with the "new eyes" you have given me. I have had eyeglasses ground for me in London, Paris, Berlin, Vienna, Venice (Waldstein's brother, another member of same family in Vienna), and even New York. I have never yet had the comfort that I "stumbled across" in far-away Portland, Or. I have to thank you, and do thank you. Very sincerely, MORTON MITCHELL.

It would appear from above that Portland has in its midst a man at the top.

WEDLOCK IN DOUBT

Indian Marriage Custom Is Questioned in Court.

REDSKINS AT LAW OVER LAND

Umatilla Squaw Seeks Control of Property Left by Brother and Claimed by His Squaw—Says Wife Was Renounced.

A case which involves the legality of Indian tribal marriage customs was filed in the United States Court yesterday with Wa-lits-pum, an Indian woman as complainant and the United States and Tee-lap-tse-lap as defendants. While the suit is brought to recover lands deceded by the Government under the allotment act, the award of the court will be based on the legitimacy of the Indian marriage laws, where man and woman enter into wedlock much after the fashion of the old Scotch common-law marriage. The complainant filed states that Wa-lits-pum is a full-blood Indian woman, a member of the Umatilla tribe and a resident of the Umatilla reservation. She seeks to recover lands in the reservation which were owned by Sook-kop-up-kop-up, her brother, now deceased, and asserts her claim under the right of inheritance as the sole surviving relative.

The complaint alleges that the defendant Tee-lap-tse-lap also claims and

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The complaint alleges that the defendant Tee-lap-tse-lap also claims and

holds possession of the property under the contention that she was the wife of Sook-kop-up-kop-up. To disprove this the complainant describes at length the Indian custom of marriage in which man and woman were united simply by the declaration of the man that he had taken the woman as his wife. She states further that the duration of this marriage was entirely dependent upon the husband and could be dissolved at the will of the male. The complainant alleges that during a certain period Tee-lap-tse-lap was, according to Indian usage, the wife of Sook-kop-up-kop-up, but that prior to his death in 1897 he had renounced the defendant and that she is therefore not entitled to participate in the estate of the deceased.

The Government enters into the controversy by reason of still retaining a trusteeship over the lands until full patent is issued as provided in the allotment act.

OUT LATE, BUT NOT A HOLD-UP

Deputy Sheriff, Accused of Robbery, Fined on Minor Charge.

When the case of Deputy Sheriff H. B. Dodson, charged with holding up William Addison, was called in the Municipal Court yesterday morning, the complainant witness failed to identify the defendant as the guilty party. Judge Hogue ordered him discharged. The court, however, thought that a charge of drunkenness and being out after hours ought to be made, and instructed the officers to that effect. The prisoner was fined \$10 upon the latter complaint, and the one of being drunk was continued indefinitely.

New Grange Hall Dedicated.

PARK PLACE, Or., Feb. 14.—(Special.)—The fine new hall of Abernethy Grange was dedicated at this place Saturday by State Master B. G. Leedy, assisted by State Secretary Mrs. Mary S. Howard. E. P. Carter, master, was present to welcome the state officers and visitors from other sections. The dedication services were conducted by State Master Leedy. Addresses were delivered by Mr. Leedy, Secretary Howard, Captain J. T. Apperson, Judge William Galloway and others. In the afternoon, following the dedication of the hall, the following programme was rendered: Song, Mrs. Bernier; reading, Miss Cato; recitation, Miss Beasin Ingram; solo, Miss Bertha Rivers; song, Miss Georgia Cross. Supper was served, and at the evening meeting 20 candidates were balloted for, and seven were given the first and second degrees by State Master Leedy.

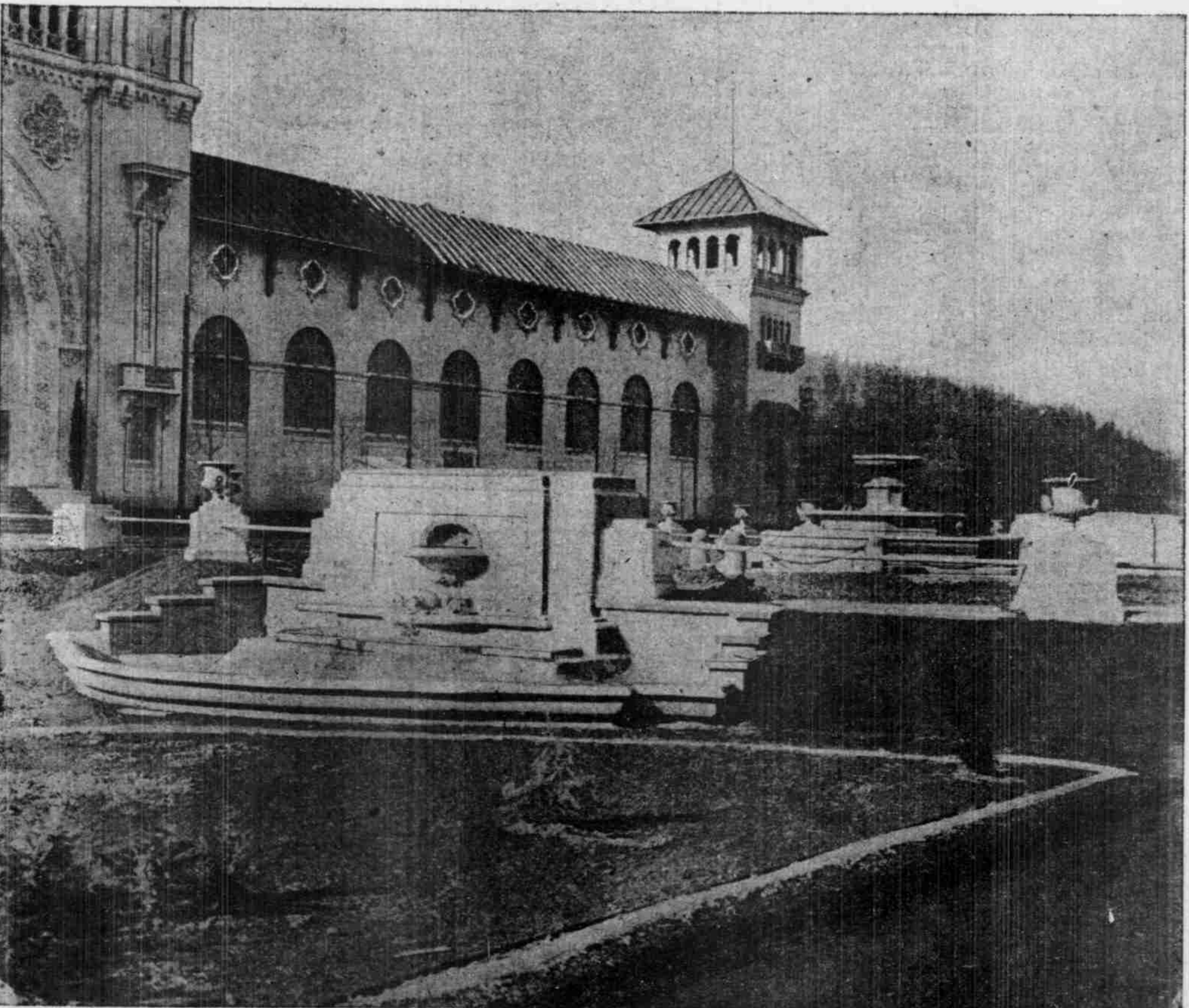
Promise to Keep a Close Watch.

Insecure fences and an inability to guard too many prisoners was the excuse offered Judge Hogue in the Municipal Court yesterday morning by Guards Hulme and Fred Mallett, for allowing Ben Darwin to escape while a prisoner at the rockpile.

The investigation lasted nearly two hours, and at the conclusion the guards promised to watch the prisoners more carefully and to see that the fence was put in good condition.

COLD CAUSE SORE THROAT

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