

GIRL-BEATER FORMIDABLY GUILTY OF ASSAULT

Alvin Benoit Faces Term of 10 Years in Prison.

SUNSTROKE IS DEFENSE

Alienists Find Man Sane, Although Specialists Disagreed as to Responsibility.

Alvin Benoit, whose brutal clubbing of 15-year-old Louise Bender as she lay sleeping on the night of June 2, 1920, aroused Portland, was found guilty of assault with a dangerous weapon by a jury in the court of Circuit Judge Bagley yesterday afternoon after an hour of deliberation.

This is conviction of a lesser crime than that charged in the indictment. Benoit was acquitted of the charge of assault with intent to kill, but it carries a maximum penalty of ten years in the penitentiary.

The jury was confronted with six alternatives in returning a verdict. Four were convictions of the crimes of assault with intent to kill, assault with a dangerous weapon, assault and battery or simple assault. Two were acquittals, one a plain verdict of not guilty, and the other a verdict of not guilty on the ground of insanity.

Sentence to Be Next Week. Sentence will be pronounced on the return of Judge Bagley to Portland from Hillsboro some time next week. The crime charged against Benoit had unusual features. Alienists found Benoit to be perfectly sane, though specialists disagreed as to the extent of his irresponsibility at the time of the attack on the girl. No attempt to deny the act was made by the defense, for Benoit made a complete confession the day following the assault, though he professed to have forgotten all the details.

In the effort to free Benoit, the claim was made that he suffered the night of the attack from recurrent sunstroke, induced by working all day in the hot sun handling grain sacks and drinking beer at his home in the evening. It was said that Benoit had been sunstruck about six years ago while working in harvest fields and that he never had recovered entirely from its effects.

Witness Is at Trial. Dr. W. T. Williamson, Dr. William House and Dr. J. H. Williams testified that a possible explanation of his act of June 2 was recurrent sunstroke, in the grasp of which Benoit had committed the crime without the slightest idea of right or wrong. Dr. Calvin W. White held that such an explanation, based as it was upon the supposition that Benoit had sunstroke rather than a fainting spell years before, was unreasonable. He testified that the crime was similar to crimes by perverts which have been committed locally and that apparent premeditation disposed of the sunstroke theory.

Benoit had admitted looking in at the girl's window several nights before the crime. His wife and baby, who were out of the city at the time of the assault, were in the courtroom throughout the trial. Mrs. Benoit embraced her husband when the verdict of guilty was read.

MRS. BJORKLUND FREED

(Continued From First Page.) She was denied by Mrs. Bjorklund. She last saw him sitting in a rocking chair in the front of the house reading a letter, which she had just handed to him, in which she had related her reasons for desiring to end her life, she testified. At that moment she drew a revolver from a dresser drawer, pointed it in the general direction of her heart, closed her eyes, and pulled the trigger. She remembered nothing of the shooting, and until she awoke in the hospital.

"It sounded like a street car bell and then I thought how near it sounded," she testified. "It felt like a great weight and the next thing I remember, I was being wheeled about somewhere." Bjorklund's body was found several feet from the rocking chair when Harold Dekum, a plumber, entered the room. There was a bullet hole through his forehead, ranging downward, and powder marks on the skin. The revolver was two feet to the left of where Mrs. Bjorklund lay, face downward on the floor. The letter in question was crumpled and clutched in the right hand of Mrs. Bjorklund.

Husband Believed Suicide. The theory of the defense is that Bjorklund, who once had deeply loved his wife, on reading her pitiful farewell letter and seeing the apparent tragic death before him, could not stay her hand, suffered a tremendous emotional reaction in which his dominating thought was to end the man he believed he had made of his life. That he shot himself was the logical conclusion of the jury. The state sought to convince the jury, with what Circuit Judge Gatens commented in court was very scant evidence to support the belief, that Bjorklund was shot by his wife as he attempted to prevent her from committing suicide.

The home life of Mrs. Bjorklund had not been happy prior to the tragedy. There had been several quarrels. Her husband had been attentive to other women and he had remained away from home for weeks at a time without explanation as to his whereabouts, she said. The night before the shooting had been sleepless. Mrs. Bjorklund accompanied her husband to town, where he was to attend lodge and she to go to moving picture show. They were to meet afterward. He did not meet her and returned home at 6 o'clock the following morning.

Query Met With Reproof. "August, where in the world have you been?" was the greeting of Mrs. Bjorklund, according to her testimony. "It is absolutely none of your business. It is my business. You have the same privilege," was the alleged reply.

It was the last straw of many months of ill-treatment, she declared, and she determined to end her life. She wrote the letter to her husband, told Mrs. Libby King, employe of the store, 476 Thurman street, that she did not believe the gossip linking the names of Bjorklund and Mrs. King, and asked that they send Bjorklund to their rooms above the store. This was May 31, 1920.

"August, can't you love me more? Can't you be more pleasant?" Mrs. Bjorklund testified she asked in a last hope that things might be better. "Absolutely no! Absolutely nothing doing! I am not sure which he said," continued the witness. "I am stubborn and I am proud of it."

DEFENDANT IN MURDER CASE WHOSE DRAMATIC RECITAL MOVES JURY TO ACQUIT HER OF CHARGE OF KILLING HUSBAND



MRS. FRANKIE HART BJORKLUND.

I asked him if he did not remember that he once said his life's happiness depended on me, and he replied, 'I admit I might have been crazy once.' I handed him the letter, which I had sealed in an envelope, and he opened it. I was standing by the dresser. I reached back of me. I knew if I was to kill myself I would have to do it then. I touched the revolver and the thought came to me, will it hurt? I heard the crack as I held the revolver up in front of me. There was something hot right here, and that was all."

The witness' breath came quickly and her cheeks reddened. Her voice shook more perceptibly. She nervously tucked under her plain dark hat strands of golden hair which had escaped. She was not an unattractive person. Where was your husband when you fired that shot?" demanded Collier. "My eyes were closed when that fire went through my body, but the last I remember he was sitting in the rocking chair."

In the opinion of veteran court attendants, Mrs. Bjorklund was one of the best witnesses ever called to testify in the circuit court. The clarity of her answers, her straightforward replies and her dramatic tale had a moving effect on spectators as well as jury. Were betting permitted in the courtroom it would have been possible yesterday to have found the taker for any odds offered against the possibility of her being acquitted by the jury.

Under cross-examination by Joseph L. Hammerly, chief deputy district attorney, Mrs. Bjorklund's story was unshaken. Questioned concerning her alleged desire to get control of her husband's property, Mrs. Bjorklund replied: "August told me once that his former wife, Hilda, tried to get his property, but that he got a lawyer named Conrad B. Oles to fix things so she could not touch it. 'I told him that he would never have any need for Mr. Oles's services as far as I was concerned. He promised, as I wanted only his affection, I did not want his property.'"

Back of the candidacy of Mr. Gordon is said to be a group of hotel people and contractors and also a considerable number of landlords. Mr. Gordon has opposed the zoning law and made a strenuous fight for its repeal in the 1920 session of the legislature. Those who favor abolition of the zoning system will probably affiliate with the Gordon camp.

Mr. Gordon's friends have figured out the proposition, if he is elected mayor and also elected to the legislature, he can serve through the 1921 session as a member of the house and then resign in February. The mayor does not take office until July, so "it is not a question of whether or not he interferes with the duties of mayor."

Mr. Kellaher is expected to have a burning issue of some sort which he makes his campaign. The line of his attack will, presumably, be governed by the position taken by Mr. Baker and Mr. Gordon on whatever issues they may raise.

Four Out for Commission. For the two commissionerships there are four candidates in sight. Commissioner Mann and Commissioner Barbur have filed, with Mr. Mann winning the first place on the ticket. Dr. T. L. Pennington is the aspirant for one of the commission positions. Yesterday it was rumored that J. B. Ziegler, who has been in the city for some time, is of interest in water-front matters for a number of years, would be a candidate. Mr. Ziegler has been living at Banks, Ore., but has moved back to Portland. Mr. Ziegler, if a candidate, is expected to raise some issue to attract the attention of the voters.

HAYS SENDS LETTER HERE Campaign Declared Moving With Splendid Certainty. T. H. Tongue, chairman of the republican state central committee, yesterday received the following letter from Will H. Hays, republican national chairman:

"The republican campaign is moving on with a candid certainty commensurate with the importance of the cause. While this is true, we all of course want to do everything we can to make the victory overwhelming. 'Daily the qualities of our candidates become more and more pronounced. It is only a matter of time before the great American comparing candidate Cox—of whom I have nothing to say—with Senator Harding, the great American-born American in every fiber of his being, as faithful as Washington, as humble as Lincoln, and as unafraid as Roosevelt—our leader, our candidate and our friend."

"I hope you will not forget to make every possible use of those lines from Senator Harding's speech of August 28: 'Steady, America! Let us assure good fortune to all!'"

"Let us be done with wiggling and jiggling." "Personally I thank you for all you are doing."

DEY QUARTERS ESTABLISHED Anti-Saloon Leaguers, Prohib and W. C. T. U. in Fenton Building. Headquarters of the Multnomah county dry congressional committee, representing the state prohibition committee, the Oregon Anti-Saloon league and W. C. T. U., have been established in rooms 312-14 of the Fenton building, where Ada Wallace Unruh, executive secretary of the state prohibition committee, in charge as secretary. E. A. Baker, president of the Anti-Saloon league, and Mrs. Mattie Sleeth, state president of the W. C. T. U., are the other members of the committee, the object of which is to secure the passage of a prohibition amendment to the constitution.

Mr. Milton E. Kahn was hostess at recent luncheon at the Tualatin County club. Miss Nell Tierney of Hawthorne avenue is visiting her brother, Frank Tierney, at Walla Walla, and she will attend the Hood-up at Pendleton.

The marriage of Miss Dorothy Rankin and Harold Buckland is set for this afternoon at the home of O. M. Rankin. Rev. W. G. Elliot will officiate.

The Travelers' Protective society will give a dance tonight in the Multnomah hotel.

Mrs. William Lines was hostess yesterday at an informal tea for Miss Dorothy Hillier of San Francisco, who is the guest of her cousin, Miss Jeanette Hillier, and who is being entertained extensively.

Mrs. June McMillan Ordway has moved to 675 Flinders, corner of Twenty-first street, where she will resume her literary work. She has leased her home on Crosby street, where she resided for over 40 years.

Mrs. W. S. Jewett, who is spending some time at the Hotel Portland entertained with an informal dinner party in the main dining room Thursday evening. Covers were placed for seven.

SHORT, SNAPPY CITY CAMPAIGN IN STORE

Gordon Nominating Blanks for Mayor Taken Out.

GEORGE L. BAKER IN RACE

Dan Kellaher Is Expected to Toss Hat Into Ring at About Last Minute; More May Enter.

There promises to be a short, snappy municipal campaign for mayor and city commissioners. Nominating blanks for Herbert Gordon's petitions were obtained at the city hall yesterday and were immediately placed in circulation. This was taken as final evidence that Mr. Gordon had decided to enter the race for mayor.

George L. Baker, incumbent, has already filed his candidacy to succeed himself. Dan Kellaher, ex-state senator and ex-city commissioner, will blossom out as a candidate for mayor about the last day for filing. This assures the voters of at least three candidates in the field for mayor. There may be more, but if so the dark horse will be blanketed and they are not even suspected of entering the race.

Leonard Krause Is Secretary. Leonard Krause has been selected as secretary of the executive board of the republican central committee. He succeeds Lynn B. Covert, who resigned and moved to Bend, Ore. The appointment was made at the meeting of the executive committee Thursday night. The meeting also discussed finances. County Chairman Day reporting that the expenses of the campaign are exceeding the estimates.

Judge Stapleton to Speak. Judge G. W. Stapleton will be the principal speaker at the next meeting of the Sellwood-Moreland republican club, to be held in the Sellwood community house Monday, September 27, according to an announcement by Charles E. Turley, president of the club. The principal speakers at last Monday's meeting were Colonel James J. Crossley and Judge Kaniser.

Republican Club to Meet. The U. S. Grant Republican club will meet tonight in the Brooklyn school. George H. Caldwell will be the principal speaker. L. P. Morrow will show stereopticon pictures of the French battlefields. The part the women are playing in the campaign will be outlined by Mrs. Clara French.

Alleged Wife Deserter Taken. VANCOUVER, Wash., Sept. 24.—(Special.)—Dennis O. Sullivan of Portland, wanted in that city for deserting his wife, was arrested here late last night by the sheriff and returned to Portland, a constable coming over to escort the prisoner back to Portland.

Captain Lewis Steps Up Credit Given Police Officers for Work Taken in College. Following the filing of evidence that he had taken courses in college, the municipal service board yesterday gave Captain H. A. Lewis credit for two years in college in his examination for captaincy of police.

Dr. Bouchet Pleads Not Guilty. Dr. Norman Bouchet, charged with the murder of Mrs. Ruth Richards, was arraigned yesterday before Presiding Judge Tawell and entered a plea of not guilty. Bouchet shot himself after the alleged crime and has since been in the hospital. Ralph M. Brady, charged with killing Roy Conner through driving an automobile carelessly, was allowed ten days in which to plead.

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From contented cows. Carnation Milk. For tasty French dressing or mayonnaise use imported Pompeian Olive Oil.

PREVENTION OF FIRE WILL BE PREACHED

Every Man, Woman and Child to Hear Gospel.

HUGE CLOCK TO BE BUILT

Daily Losses From Blaze to Be Recorded With Total Number of Calls Every 24 Hours.

Efforts to carry the gospel of fire prevention to every man, woman and child in Portland will be made during fire prevention week, October 4 to 9. A committee of representative business men, as well as various organizations, have been recruited by Fire Marshal Grenfell to aid in the carrying out of the plans of the campaign. The lessons of fire prevention will be told from the pulpit on Sunday, October 3. Slides will be shown in the motion-picture theaters. Speakers will appear before the civic clubs at their noonday luncheon, and school children and Boy Scouts will be requested to participate in various ways.

Climax to Be Saturday. The climax of the week will come on Saturday, when the fire prevention parade will be held and in the evening when an entertainment will be staged at the public auditorium, to which the public will be admitted without charge. Usually a waste paper day is a feature of fire prevention week, but because the Junior Red Cross officials have requested that they be permitted to handle waste paper in order to raise money for humanitarian work, the waste paper collection has been turned over to that organization.

A huge clock will be erected in the downtown district on which the daily fire losses will be tabulated and the total number of fire calls every 24 hours will be shown. Fire Marshal Grenfell and H. P. Coffin will handle this clock. It is planned to run a large aerial fire truck to the clock each noon, when the markings will be made.

Aaron Frank in Charge. Aaron Frank has been placed in charge of the fire prevention parade and, in addition to obtaining the cooperation of the various fire companies in the way of entries, Mr. Frank is seeking entries from business firms. The fire prevention show will be handled by a committee composed of: Frank McGettigan, manager of the Orpheum theater; Fred Brockman and John T. Jarmuth; display window, Captain Fred Roberts, H. E. Boardman, Lieutenant Edward Bhatright, William Cooper and Captain Fred Day; school inspection work, fire marshal's office; slides in theaters, A. L. West; Boy Scouts, William Kent; finance, L. T. Webster, G. H. Effinger, George D. Schaik and Fire Chief Young.

Speaking committee, Fred Carlton; Ministerial association, Rev. Ralph C. McAfee; Noon Day clubs, T. H. Williams; publicity, Frank H. Bartholomew; James McCool, James D. Olson and John T. Jarmuth; display windows, Captain Fred Roberts, H. E. Boardman, Lieutenant Edward Bhatright, William Cooper and Captain Fred Day; school inspection work, fire marshal's office; slides in theaters, A. L. West; Boy Scouts, William Kent; finance, L. T. Webster, G. H. Effinger, George D. Schaik and Fire Chief Young.

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Send your grocer's name and we will send you free enough H-O for a meal for six persons.

How Will Labor Vote?

Labor is torn by conflicting feelings as it prepares to vote in the approaching Presidential election, if we may judge by the papers that claim to speak for it. It is told by Mr. Gompers that Cox is labor's true friend; it is told by Republican leaders that Harding's election will mean prosperity and the "full dinner-pail," and is assured by more radical advisers that Debs or Christensen is the only true apostle of freedom. Anyone who can poll all or even a large part of the labor vote would, of course, win hands down, but how the worker will vote after all this contrary advice nobody seems to know. No one, at least, is predicting the election of Christensen or Debs, so the choice narrows down to the two journalists from Ohio. An interesting omission is the absence of any appeal to the workers to vote for this or that candidate to restore the workman's beer.

Telegrams sent by THE LITERARY DIGEST to the Labor press, for light on the probable complexion of labor's vote this year, bring replies that give an impression of cross currents and confusion. However, at this stage of the campaign, it is undoubtedly the only line that the public can get upon the probable attitude of organized labor in the coming election.

The leading article in THE DIGEST this week, September 25th, presents the subject in an interesting and comprehensive form. It will be read with interest by hundreds of thousands of men and women.

Other illuminating articles in this number of THE DIGEST are:

- Full Text of the League of Nations Covenant
This Article Is Presented at This Time So That the Public May Have in Easily Accessible Form the Text of the Document That Has Been Made the Issue by the Republican and Democratic Parties.
"As Maine Goes"—Will the Country Go?
League Verdicts in the Primaries
America and Germany as Shipmates
The Timber Famine
British Labor's Stand for Soviet Russia
Troublesome Mesopotamia
Greece in Turmoil
Woman's Hand in Maine
Voice of Canadian Independence
To Use Niagara Without Marring It
A Medical Defense of Pie
Machinery Ousting "Harvest Hands"
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