

WOMAN ESCAPES ON LEGAL TECHNICALITY

Case Against Mrs. English in Astoria Dismissed.

STATE EVIDENCE FAULTY

Commitment of Frank Wagner, Convicted Sabelevator, to Penitentiary Not Held Proved.

ASTORIA, Or., Feb. 28.—(Special.)—The trial of the case of Mrs. Minnie H. English came to a sudden and unexpected end in the circuit court this afternoon when the case was dismissed by Judge Eakin on motion of C. W. Robinson, attorney for the defense. Mrs. English had been indicted jointly with her husband, Dean English, and Edward Hanflinger, on a charge of assisting Frank Wagner, a convicted sabellevator, to escape from custody of the warden of the state penitentiary.

The motion for dismissal was made after the state had closed its case and was on the ground that the state had not shown that Wagner was legally in the custody of the warden of the penitentiary. The state had submitted the judgment of the local circuit court of Wagner's conviction of safe-blowing and his sentence to not more than 40 years in the penitentiary. It also presented the testimony of Deputy Sheriff Baskin that he delivered Wagner to the penitentiary, but it failed to introduce a copy of the commitment. In granting the motion for dismissal Judge Eakin said in part: "As far as the evidence submitted in this case is concerned, the court judgment in the Wagner case has been stayed and the execution of the sentence delayed. I have heard no evidence that Wagner was delivered to the penitentiary authorities legally. There is evidence of the judgment of this court but no evidence that a commitment was issued on the basis of all these cases. I have said before in passing on numerous demurrers, in the lawful imprisonment of Wagner, if Wagner was not in the custody of the warden of the penitentiary under a commitment, he was there illegally, had no right to escape and the defendants in these cases did nothing wrong if they assisted him. As the evidence now stands I could not allow a judgment, even if the jury should return a verdict of guilty. The motion is well taken and the case is dismissed." The case against Dean English, husband of Mrs. English, and indicted jointly with her, will be called for trial tomorrow morning, and it is expected the state will have a copy of the original commitment for introduction at that time.

37 BODIES ARE FOUND

(Continued From First Page.)

Three-year-old son of Mrs. Schieler, Mr. and Mrs. A. H. Van Riper, Michigan City, Ind.
J. W. Baker, El Paso, Tex.
Mrs. Sarah Monro, Montreal, Can.
Miss Fannie Ballou, Kalamazoo, Mich.
Mrs. Richard Eva, Julien, Mich.
L. A. Hock, Chicago, Ill.
Frank Wayne, Milwaukee, Wis.
Sam Livingston, Chicago.
Mrs. Florence Fleming, Kalamazoo, Mich.
Mr. and Mrs. Jack Muller, Crescent City, Ill.
Roy E. Greenwood, Kankakee, Ill.
Mrs. Justin Collins, London, Ont.
Mrs. Philip Goldstein, Detroit, Mich.
Mrs. F. W. Langin, Cleveland.

Missing List is Revised.

The revised list of missing tonight follows:
T. J. Campbell, address unknown.
Mrs. McCree, Chicago.
McCree, Chicago.
Wolter, Detroit, Mich.
Fred Liggett, Niles, Mich.
Mrs. George Baker, Michigan City, Ind.

OPERATOR DESCRIBES CRASH

Telegrapher Declares Signal Man Did All in His Power.

PORTER, Ind., Feb. 28.—(By the Associated Press.)—Charles Whitehead, telegraph operator in the signal tower which regulates the passage of the trains over the crossing where a New York Central train last night smashed into a Michigan Central train, killing at least 37, tonight gave his version of the events in the signal tower preceding and during the collision.

He substantiated the statement of Joe Cook, signal operator, that the signals were set against the Michigan Central train and exonerated Cook of blame.

Whitehead tonight was back at his job, outwardly calm. His eyes, deep-set from loss of sleep, darted from one track to the other, and many times he paced the floor. To railroad officials he said he thanked God for his own narrow escape and was feeling fine, although his appetite was gone.

"I send and receive all messages telling when various trains will arrive," he said. "I have nothing to do with the operation of the signals."

Ordinarily Piersing runs the levers, but he wanted to take a night off and hired Joe Cook, who is a substitute operator, to work.

"Because of the mass of switches, crossovers and the intersection, both of us must be on our toes, and we were last night."

"Far down each track is an apple which rings a bell in the tower when a train hits it. Last night we were waiting for No. 151, the New York Central train. We heard the bell and looked up at the recorder, seeing it was the New York Central. About 30 seconds later the Michigan Central bell rang. Joe set the signals against the Michigan Central and opened the track for the New York Central. We sat peering down the New York Central tracks, watching the headlight grow larger and larger. We hadn't noticed the Michigan Central."

"The New York Central engine gradually grew larger and finally its outlines were visible. Suddenly I heard Joe shout: 'My God, Charley, the M. C. is coming through the block!'

"I can still hear that shouted warning. 'I turned quickly, and there, not 150 feet away, was the Michigan Central No. 30, crashing down at 40 miles an hour. It was so close I could see the spaces between the fender bars. Joe jumped for the door and I jumped after him. Something made us realize that to go downstairs would be fatal. We grabbed the door and held on."

"We heard a terrific grinding smash. There was a hiss of steam, a red glare lighted up the tower and our little building shook. The crash of glass—the tower windows

breaking—tingled in my ears and the tower continued to rock."

"We lay against the door for a moment and then collapsed. A few seconds later, Joe got up and dashed downstairs. I followed."

"When I reached the ground, Joe was running at full speed up the road to Chesterton, two miles away. I am told he never stopped until he reached there."

"I went to the wreckage, a conductor came up and tried to ask me something. He couldn't talk. He was shaking so, and I guess I couldn't have answered. I don't remember much after that. I went home, but couldn't sleep. I kept seeing those two glaring headlights—they seemed gigantic—rushing down on me. I dreamed of the wreckage."

"I'm all right now, but thank God for my escape. Fortunately the cars fell away from the tower."

Whitehead explained that the signal system was interlocking so that both tracks could not have been open at once. He said that the Michigan Central train probably was making 60 miles but that the New York Central was traveling slower—probably 40 miles.

"They always travel nearly full speed, but last night the New York Central seemed to be coming slower. Perhaps the engineer saw the other train and tried to stop," he said.

WRECK INQUIRY WILL WAIT

Coroner Says Mutilated Bodies Identification Will Be Slow.

CHESTERTON, Ind., Feb. 28.—(By the Associated Press.)—An immediate inquiry into the death of 40 or more children killed in last night's wreck will not be held, Dr. H. O. Seipel, coroner, said today.

Dr. Seipel said mutilated condition of the bodies meant it might be days or weeks before even a large majority could be identified and that he felt this work must be finished beyond its capacity. The collar was pressed into service for unidentified bodies. All day long old men, women and even children died from the wreckage up tables to view the dead, all seeking missing relatives.

At Porter the wreck had made that little place a country-wide attraction like a circus. Farmers lined the streets with their muddy machines and wagons and among them mingled foreigners who had motored here from Gary.

News of the wreck had to be obtained from three towns—Michigan City, Porter and Chesterton. As a result the few taxi owners made money easily, charging \$1 a mile.

TRAFFICMEN HEARD ON WRECK

Operating Officers of Michigan Central Take Testimony.

NILES, Mich., Feb. 28.—Operating officers of the Michigan Central railroad tonight continued a hearing of the story of the trainmen in charge of the train out in two at Porter, Ind., last night by a New York Central train.

The testimony was taken in executive session.

Engineer Long gave his version today. He said he allowed to go home at Jackson, Mich. He refused to talk to newspaper men.

DR. H. MOUNT UPHELD

Autopsy Expert Confirms Physical Findings in De Ford Death.

The findings of Dr. Hugh Mount of Oregon City as to the cause of the bullet which caused the death of Alexander De Ford were confirmed in post-mortem examination of the exhumed body made Saturday by Dr. Richard B. Menne of the University of Oregon medical school. Dr. Ford was shot by D. E. Frost while resisting arrest.

Dr. Menne, who made the post-mortem examination at the request of Dr. Mount, giving his opinion upon the nature of the disease which was the immediate cause of De Ford's death. This case has caused considerable discussion because of the conflict of medical opinion as to the cause of De Ford's death. Dr. Mount diagnosed the case as septic peritonitis. Dr. A. O. Welsh, county health officer, had previously stated death was due to confluent pneumonia. Dr. Mount has filed suit for \$50,000 damages for libel against each of seven Oregon City doctors who protested the payment of an autopsy fee to Dr. Mount.

FARM LOAN ACT UPHELD

(Continued From First Page.)

loan board and the farm banks could be doing more than receive applications for loans and place them on file. There was no sale for the bonds of the banks because those with money to invest did not care to put it into securities which might be invalidated by a high court decision.

So confident of the outcome of the case, however, were the senators and representatives from the agricultural states that they had incorporated in the legislative, executive and judicial appropriations bill now in conference a provision appropriating \$200,000,000 to purchase the bonds of the farm loan banks and thereby make available the means to keep them in operation.

A decision as to whether any appropriation for this purpose is to be made, he said, rests upon the outcome of a conference to be held at once with Charles McNabb and Asbury F. Lever of the federal loan board. The members of the board think that money can be provided without delay by the regular method of selling farm loan bonds, then congress will not be asked to appropriate any part of the \$200,000,000 carried in the legislative, executive and judicial appropriation bill.

"I foresee not the least difficulty in selling the farm loan bonds," said Senator Gronna, "as there is a keen demand for these tax-exempt securities. The demand for these bonds is greater now than in the period of more prosperity because investors have had some unfortunate experiences in the last few months with apparently gilt-edge securities into which they placed their money."

"This is a great victory for the farm loan banks and in turn a big victory for the farmer. While it does not effect a cure-all for the troubles of agricultural sections, present, it does afford relief to those farmers who have been seeking aid through the rural credits system for months without success. The action of the court is encouraging to those of us who have sought for years to put on the statute books legislation to help the farmer. I am naturally pleased because I introduced the first rural credits bill in the house while I was a member and when I came over to the senate I offered the first such measure here."

It is understood that the farm loan banks have on file applications for loans aggregating \$75,000,000. In putting this money into circulation, some senators said, not only the farmer but business generally should derive benefit.

JOIN, TOURIST BODY TELLS WASHINGTON

Oregon Delegation Appeals to Legislators.

\$75,000 FUND DESIRED

Appropriation by Lawmakers at Salem Is Contingent Upon Same Sum Being Set Aside in North.

OLYMPIA, Wash., Feb. 28.—(Special.)—Strong representations urging continued support for the Pacific Northwest Tourist association by the state of Washington were made before the joint committee on appropriations of the house and senate tonight by officials of the association, a delegation from Oregon and representatives of the commercial organizations of a dozen Washington cities.

The recent action of the Oregon legislature in appropriating \$75,000 for continuation of the work of the association during the next biennium was referred to W. J. Hoffmann of Portland, president of the Pacific Northwest Tourist association; O. W. Mielke, chairman of the publicity bureau of the Portland Chamber of Commerce; and Herbert Gordon, chairman of the joint ways and means committee of the Oregon legislature. All stressed the importance of Washington's making an appropriation to match that made by Oregon, the latter being contingent upon equal amounts being provided by this state and British Columbia.

Assurances have been given that British Columbia's quota will be forthcoming. The speakers pointed out the unfortunate situation that would be created, should Washington, which was referred to as the richer and larger state, fail to make the appropriation necessary to carry on the work, the result of which, it was stated, would be to lose the advantages gained by the work already done.

Connection now established with railroads and publicity agencies would be wasted if the work of the association were stopped at this time because of lack of funds, the committee was informed.

PARTY SCHISM UNLIKELY

(Continued From First Page.)

that he would regard the naming of Hoover as an affront, California took notice. The California leaders found it hard to believe that the state would support a man who had been so long a foe of the party.

It is said that of the 55 leading California Republicans who were delegates to the republican convention last June, and who supported Johnson to the ballot, 22 recently united in support of Hoover as cabinet selection. The political hearings of such a dissent on the part of California from Johnson's opposition to Hoover are obvious.

Both Men Progressives. It is on the league of nations and on foreign subjects generally that Johnson and Hoover have been in opposition. On that body of domestic issues which are commonly spoken of as progressive the positions of Hoover and Johnson are more or less identical. The personal following of each overlaps. In short, a considerable degree of Johnson's following on democratic progressive issues will be carried over to Hoover because of the inclusion of Hoover.

In the same way, in spite of the California episode of 1916, the fact is that outside of California on domestic progressive issues the following of Hughes and the following of Johnson largely overlap. Johnson's identity with the direct primary, for example, does not exceed the fight which Hughes, as governor of New York, fought almost to his political death for the direct primary in that state. For this and other reasons a large portion of the old progressive party regards Hughes as one of them.

Groups Brought Together. Finally, the strength that Johnson undoubtedly has as being the partner and heir of Roosevelt, Sr., in the leadership of the old progressive party will be a great help to him in the choice of Roosevelt, Jr., to the post of assistant-secretary of the navy, in which his father made his political start. From the point of view of party and personal politics Mr. Harding in his cabinet selections has tied together so many groups and factions that any insurgent movement along the lines of the defections of the past eight or ten years in the near future is almost impossible.

To be sure, new issues are coming up. With equal certainty, Johnson has personal qualities of dynamic leadership not excelled by any man in public life. Moreover, he has his position in the senate, and it will be the consideration of legislation in that body that any insurgency against Mr. Harding's leadership is likely to develop. While all that is said here is convincing, it would still be a

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reckless prophet who would put on black clothes in the expectation of attending the political funeral of Hiram.

Hoover Important Factor. Next to Johnson, and possibly even in excess of Johnson, the man who personally contains most possibilities of a successful insurgent movement is Hoover. The characteristics of him point out that Hoover has made it substantially impossible for him or his friends to cut any figure in the presidential campaign of three years from now, either as a candidate himself or in any other way inimical to what Mr. Harding may want to do about renomination, or whatever else the organization may determine.

This of course is quite true, for a cabinet member to cut any figure in a presidential nomination in opposition to his chief would be practically unprecedented and impossible. This statement may be modified by the possibility that there may be a country-wide presidential primary in 1924. Senator Johnson has announced that he will try to bring this about, and if he makes the effort strongly he probably will succeed.

WAR LAWS REPEAL VOTED BY SENATE

House Resolution Adopted and Sent to Conference.

AMENDMENTS TACKLED ON

Prosecution of Army and Navy Deserters and Draft Law Violators Is Not Affected.

WASHINGTON, D. C., Feb. 28.—The house resolution providing for general repeal of war-time laws was adopted tonight by the senate.

The resolution then was sent to conference. Virtually all laws passed during the war would be repealed by the resolution except a few given special exemption, including the trading-with-the-enemy act, the liberty bond act and the act creating the war finance corporation.

Among the laws which the legislation would repeal are the Lever food and fuel acts, parts of which operate to declare unconstitutional today. The senate judiciary committee had recommended that the Lever law stand, but the senate tonight adopted an amendment including the food and fuel law among those to be repealed.

The senate also adopted a resolution by Senator Walsh, democrat, Montana, providing that prosecution brought under laws to be repealed should not be affected by the repeal. The resolution would restore the original espionage act of 1917, repealing the amendatory statute of 1918.

Another provision of the resolution declares that it shall not operate to prevent prosecutions of army and navy deserters or persons charged with violating the draft law.

FORENSIC UNION PLANNED

College Proposes to Have All Speaking Societies Merge.

OREGON AGRICULTURAL COLLEGE, Corvallis, Feb. 28.—(Special.)—Forensics at the college are to get a big impetus if plans now under way to organize the various bodies already existing into one central organization called the Oregon Agricultural College Forensic association materialize.

The new federation will have more than 200 members interested in debate, public speaking, oratory, dramatics and research work on the campus, and through it those in charge hope to gain greater recognition among the students and elsewhere for these "mental athletics," placing them on a plane with those of the physical world.

Bend to Debate The Dalles. BEND, Or., Feb. 28.—(Special.)—

Widow of E. R. Schofield Files Accounting of Taxes, Expense.

VANCOUVER, Wash., Feb. 28.—(Special.)—The estate of E. R. Schofield, who died suddenly in Portland June 8, 1920, is nearly settled. According to papers filed in court here today, the gross amount of the estate was \$95,783.81. After deductions of taxes, expenses and exemptions, the estate was reduced to \$49,017.

Mrs. Mary Elizabeth Schofield, widow, was appointed executrix by her husband. Two sons and the widow inherit the estate.

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