PORTLAND, OREGON, WEDNESDAY, JULY 27, 1921

PRICE FIVE CENTS

ELICITS RESPONSE

PITTOCK WILL IS HELD TO BE VALID WHE OF PRESIDENT OF PUR-

Supreme Court Upholds Publisher's Testament.

DECISION IS BY FULL BENCH

No Undue Influence; Trustees' Powers Sustained.

20-YEAR TRUST IS LEGAL of Dr. Stone's death was received.

All Allegations of the Contestant. Mrs. Leadbetter, Are Overruled. Every Point Is Covered.

SALEM, Or., July 26 .- (Special.)-The supreme court of Oregon today handed down an opinion affirming in all respects the decision of the circuit ing the will of the late Henry L. ttock, publisher and principal owner of The Oregonian. It was declared by the court that there was no evidence of undue influence upon Mr. Pittock in the making of his will. but that he had greater influence over the defendants, O. L. Price and

in by all members of the court.

Mr. Pittock died in Postland, January 28, 1919, leaving a large estate. Under the provision of a will, dated pair the royal Canadian mounted potrustees for the benefit of the heirs the country about Mount Eanon. The heirs include four daughters and one son. Mrs. Pittock died before her

Daughter Institutes Proceedings.

The proceedings to set aside the was charged by Mrs. Leadbetter trustees, so that in fact it was the American Alpine club. their will instead of Mr. Pittock's

The court held that this part of the contest was not supported by the evidence adduced in the case, and that Mr. Pittock assumed the initiative in framing the will and dictated its

terms according to his own purposes a matter of law the contestant maintained a further ground of at tack to the effect that the will was Magers of Portland was completely void on its face, due to the contenthat the trustees were vested hurt fatally at noon today, when the with unrestricted and unlimited discretion, that the will did not specify cific locomotive. truck was struck by a Southern Pawith sufficient certainty the beneficiaries of the trust, and that it was Magers, left Portland this morning to

Attack Centers on One Clause This attack centered about the following clause in the will:

gonian Publishing company shall be and the street badly torn up. sold but shall be held intact during rect that my trustees shall vote said MRS. ADAMS TO QUIT POST stock in favor of themselves as directors of said corporation, and it my desire and I request that C. A. Morden shall be elected manager of The Oregonian and shall be retained as such, and that Edgar B. Annette Abbott Adams, the first womhe may voluntarily resign."

stockholders whereby for some private personal gain to themselves they ing prohibition. agreed to vote their stock in a certain way, and other precedents Adams wrote a number of important holding it to be against public policy liquor opinions, including the inso to contract that the control of transit liquor rulings, which holds that the corporation should be taken no ships may enter the three-mile from its directors and vested in some limit with liquor aboard. Attorneyother authority such as a manager General Daugherty will appoint superintendent.

Authorities Held Not Applicable. The opinion held that these author-

fties were not applicable, for the reawith other stockholders against the interests of a minority; that there Couple in 300-Foot Plunge Narwas no agreement or circumstance which did not inure to the advantage of all stockholders, and that ther was no motive of special gain to Mr.

Pittock simply directed his trustees injuries and shock which they sufto vote his stock in a certain way, fered when they plunged down a glajust as he could have done himself, cier on the Alta divide in the Wasatch if he had lived, and that it was no mountain range 300 feet Sunday. more than he had a right to do with his private property.

whall prove, but it was not unlawful, rendered assistance to the couple, (Continued on Page 8, Column 1.) who were numbed with cold.

DR. W. E. STONE FOUND RAZOR IS TARGET

DUE IS LOCATED ALIVE.

Mazamas, Well Known in Oregon Lost Since July 15-Only Four Days' Food Carried.

CALGARY, Alberta, July 26 .- (Special.)-Dr. W. E. Stone, president of urdue university, Lafayette, Ind. who, with his wife disappeared from Walking Tour camp at the foot of STATE Mount Assiniboin July 15, was found dead late Sunday at the bottom of very deep precipice, according to advices received here tonight.

Stone, for whom organized parties had also been searching for the last few days, was located alive on Sunday at the bottom of a 17-foot crevice, according to word reach ing here shortly before the message It was reported Mrs. Stone would

recover from the shock of the Mount Eanon tragedy. The news was contained in a brief letter received at police headquarters here late this afternoon from guides leading the searching party. The body of Dr. Stone was discovered shortly after Mrs. Stone was located. The body was great distance below, in a very difficult position for recovery. Stone was taken to Camp Assiniboir headquarters and nurses were sent from Banff to care for her

Canada, was due in Banff tonight to killing? The second: Was the murder take charge.

He is an experienced mountain guide in front of the Agee home? take charge.

and had been called off a government survey to organize another search

C. A. Morden, than they had over him; that his word was the law of four days, but until they had been him; that his word was the law of his business, and that it was their place to obey and not to influence or this time it was reported that toilet that toilet this time it was reported that toilet that in his examination of the premium that in his examination of the premium that in his examination of June 11 The opinion was written by Chief articles belonging to them had been The opinion was written by Chief found and that searchers had also Justice Burnett, and was concurred discovered traces of a fire near to be all members of the court. Mount Ennon.

1916, he gave all of his lice were notified. A sergeant, acproperty of every kind to C. A. Mor- companied by two game wardens and dan, manager of The Oregonian, and a Swiss guide, set out from Calgary, O. L. Price, his confidential secretary, while an organized searching party, in trust for a period of 20 years, in under the direction of Professor Fay. order to preserve his estate, which known as the father of the Rocky was to be administered by them as Mountain Alpinists, began scouring

The Stones are known as expert that the will was the product and re-sult of undue influence exercised over professional guides. They are memthe testator by the men he appointed bers of the Alpine club of Canada and

Magers and his brother, George a contravention of the laws of Oregon and against public policy because Dallas just before noon and stopped it directed the trustees to vote the for lunch with another brother, James stock of The Oregonian Publishing Magers, who lives on Church street. company in favor of themselves as The railroad track runs down that directors of the company, for 20 street. The two men had just mounted the truck to resume their journey when they crossed the track, not noticing the approaching locomotive. George Magers jumped and was not "None of my stock in The Ore- injured. The locomotive was derailed

First Woman Assistant Attorney-General Resigns Office. WASHINGTON, D. C., July 26,-Mrs.

Piper shall be retained as managing an to be an assistant attorney-geneditor of The Oregonian until he eral, will sever her connection with shall become incapacitated or until the government and return to private practice in San Francisco August 1. The contestant cited many au- it was said today. She resigned some thorities condemning as contrary to months ago, but remained to finish up combinations among pending cases in her office, under During her government service Mrs.

woman to succeed Mrs. Adams, but so far has not made a selection.

GLACIER SLIDE THRILLER

rowly Escape Death.

SALT LAKE CITY, July 26 .- O. D. Richardson of Scattle and Mrs. Leonard Fish of Salt Lake City, his sis-It was held by the court that Mr. ter-in-law, are recovering today from

Richardson lost his footing in an endeavor to save Mrs. Fish when she After discussing the precedents cited started to slide down the glacler. on both sides, the opinion concluded: The next moment he also slipped and The action of the testator in re. joined his companion 300 feet below osing so large a trust in two em- on a cleft of rocks. Both were ployes who had been faithful to him knocked unconscious. They recov-through many years may or may not ered several hours later and cried have been provident, as the sequel for help. Boy scouts in the vicinity

OF AGEE DEFENSE SMALL IN MESSAGE SAYS HE MR. MELLON PREPARES TO

Death Held Caused by Pointed Instrument.

BEGINS TESTIMONY

Wife's Whereabouts at Time of Murder Questioned.

WOMAN'S STORY DOUBTED

Had Slept Alone.

Outstanding in the routine of the first day's testimony in the murder trial of Mrs. Louise Ages were two

Mrs. Agee testified before the corises on the early morning of June 11 governor to arrive at a decision to he noted that the back part of the end his resistance. Agee bed appeared as though no one

had slept in it.

Impression Is Strong. So strong was this impression that he asked someone whether or not the Agees slept in the same room, he asserted. On cross-examination the

night of the murder.
In the street about 35 feet in front Dr. Stone and his wife, as members of the Maxama club, have made several trips to Oregon and Washington snow peaks with members of the Portland mountain climbers' organization. The couple made their last resisting the couple made their last resisting the street about 35 feet in front that under the court ruling the governor J. W. Filer declared while the streets we that under the court ruling the governor of the streets we that under the court ruling the governor of the streets we that under the court ruling the governor of the streets we that under the court ruling the governor of the streets we that under the court ruling the governor of the streets we that under the court ruling the governor of the streets we that under the court ruling the governor of the streets we that under the court ruling the governor of the streets we that under the court ruling the governor of the streets we that under the court ruling the governor of the streets we that under the court ruling the governor of the street we that under the court ruling the governor of the street we that under the court ruling the governor of the street we that under the court ruling the governor of the street we that under the court ruling the governor of the street we that under the court ruling the governor of the street we that under the court ruling the governor of the street we that under the court ruling the governor of the street we that under the court ruling the governor of the curb.

St. PAUL, July cliffic railway office in graph of the street we are the street we have the street we have the street we are the street we have the stre will were instituted by Caroline P. gation. The couple made their last as yet, is insisting that the rasor lillinois as the divine right of kings tracks were contained by the couple made their last as yet, is insisting that the rasor lillinois as the divine right of kings and that the king has no counterpart freet of water. blood, and that it was not the weapon in Illinois.
which severed the arteries of his That

Mrs. Agee denied it. Because of the fact that the death state, is subject to arrest and prosecu-wound, which was about eight inches TRUCK HIT BY TRAIN long and extended from the adam's treasurer, apple to the right ear, was consider.

(Concluded on Page 4, Column 3)

ILLINOIS GOVERNOR TO SURRENDER SELF

ion by Court That He Is

SPRINGFIELD, III., July 25.-Govof his counsel in Chicago, was refunds while treasurer of Illinois. Sheriff Mester announced last tolight he had received the following nessage from Chicago:

sheriff of Cook county according to under the plan submitted to congress your directions to any persons designated as agent at any time tomorrow. On August 16, it was explained, the Dr. Van Vicrah Tells Jury He Was fice, Chicago, Ili., in submission to of about \$150,000,000 to meet and in the capias which i understand Judge addition it is estimated about \$100. the governor. In order to conserve payments to the railroads under the all parties' rights, please advise me when you will come to Chicago. (Signed.) "Albert Fink, counsel for justed.

Governor Len Small."

When Dr. and Mrs. Stone started out they had food enough for only four days, but until they had been controlled the controlled to the controlled the control

The governor's action followed the is subject to arrest following his recent indictment. When the warrants were not served early tonight, the governor left the captal.

Although Judge Smith ruled against

2. That it is beyond the scope of neck. A six-year-old son of the cou-ple told the authorities some time ago that his father had such a razor, but that his father had such a razor, but 3. That Governor Small, despite his 3. That Governor Small, despite his position as chief executive of the Two Girl Employes Are Held Up

"The king can do

Portland Man Injured Probably

Fatally at Dallas.

DALLAS, Or., July 26.—(Special.)—

An auto truck driven by Abner Magers of Portland was completely wrecked and Magers probably was hurt fatally at noon today, when the hurt fatally at noon today, when the content that a noon today, when the content than at elected of ficials. but there has never been wrong and another today and procured \$1038 in currency and ancient doctrine, but in this republic it has never reached the application that an elected official can do no wrong is an ancient doctrine, but in this republic it has never reached the application that an elected official can do no wrong is an ancient doctrine, but in this republic it has never reached the application that an elected official can do no wrong is an ancient doctrine, but in this republic it has never reached the application that an elected official can do no wrong is an ancient doctrine, but in the remaining if it was inflicted with a knife or other silver.

One man entered the bank at Fall River Mills, Shasta county, late today and procured \$1038 in currency and silver.

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One man entered the bank at Fall River Mills, Shasta county, late of the city to all ancient doctrine, but in the commission in determining if it was noticed the action of the city to all ancient doctrine, but in the commission in determining if it was not track of the city to all the commission in determining if it was noticed with a knife or other than an elected official can do no wrong. Is an ancient doctrine, but in the opinion solution that an elected official can do no wrong. Is an ancient doctrine, but in the opinion ancient doctrine, but in the opinion ancient doctrine, but in the opinion ancient doctrine and ancient doctrine. But in the commission of the count in the opinion ancient do

NOW, ALL TOGETHER-CRACK THE WHIP!

SECRETARY OFFERS MORE CERTIFICATES

Executive Action Follows Decis- New Issues Totaling About \$300,-000,000 Held Sufficient for Immediate Needs.

WASHINGTON, D. C., July 26 .- Sec. ernor Small, from the office of one retary Mellon today offered for subscription two new series of treasury ported tonight, according to word re-ceived here, to have offered to sur-render himself without resistance to Sangamon county authorities on warants charging embezzlement of state six months with interest at 5% per To the sheriff of Sangamon county: | cent and the other maturing in one year with interest at 514 per cent. With this issue the treasury, it was believed, would be in a position to

On August 16, it was explained, the Wednesday, July 27, 1921, in my of- treasury has certificate maturities Smith has directed you to execute on 000,000 will be needed for current revolving fund and other sections of the transportation act, already ad-

The remaining \$50,000,000 plus the Sheriff Mester immediately replied treasury's cash on hand of some \$200,to the message, stating that he would 000,000, it was thought, would care A. O. Wheeler, director of the Lake questions. The first: Was Mrs. Ages be prepared to take a sheriff's bond for current expenses and any preat Governor Small's convenience, adding that he did not intend to go to
Chicago to serve the warrant.

"I will not go to Chicago to serve
warrants on Governor Small." Sheriff
warrants on Governor Small." Sheriff
warrants on Governor Small." Sheriff
warrants on description at the same time clearing the way
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warrants of the way warrants of the way warrants of the way warran oner's jury some time ago that at the dester said. "I am sending a tele-time her husband was attacked she gram to Mr. Fink, advising him that for its total balance of nearly \$400.

> In view of the August 1 issue of vised of the governor's reversal in certificates, another issue on August attitude toward accepting service of 15 was held unlikely, though an ofcertificates, another issue on August writs but made no comment other fering of new short-term notes on than to say he had expected the September I was expected.

DELUGE FLOODS STREETS

finding by Circuit Judge Smith today that the chief executive of the state Cloudburst Delays Train Service in Mandan, N. D., Region.

MANDAN, N. D., July 26.—Flooded case seems to be confined to enter- the status of war-time laws was prostreets and delayed train service resulted this morning from what was demanded that the commission rule ward his opinion in the course of physician conceded that he could not testify positively that the north side of the bed had not been slept in the principle of the mysder.

The mysder of the mysder.

The mysder of the Former Governor J. W. Fifer declared, while the street flooded to the ing and that he understood that it

ing reported that train service Mandan was delayed because of heavy the present case. rains in that vicinity. At Lyons the tracks were covered with three or

REDDING, Cal., July 26 .- Two un

Question at Hearing Is Strenuously Fought.

Commission, However, Rules Against Further Probe.

BABCOCK QUIZ CLOSED

mpany Counsel Surprises Everyone by Failing to Touch on

Many Vital Issues.

Fear that the city of Portland desired to throw open the question of valuations placed on the propertties of the Pacific Telephone & Telegraph neer of the city of Portland, swer a question bearing on this sub-

Attorney Tomlinson opened his direct questioning of Mr. Willard by a request that he state to the com-mission how much of the valuation placed on the telephone properties suance of a peace proclamation prob-by the public service commission in ably will be submitted to President 1916 consisted of intangible assets.

Ruling Is Demanded.

Before the witness had opportunity Nary, attorney for the company, ing objections, rose to his feet and gressing rapidly and he hoped to foron the line of testimony which would

would be confined to new testimony ST. PAUL, July 26.-Northern Pa. and a review of the repords in the Face Badly Lacerated by Blast; cific railway offices here this morn- present case. He objected to going out of back into an order issued in 1916 in

masked men held up the bank at Fail it was the desire of the city to aid and he expressed the wish that she

recess ended Chairman Williams announced that the witness would be permitted to answer the question, but that future questions of similar nature must be restricted to the valu- here will go to Berlin. He has sent "an impelling moral obligation" to ation of replacements, extensions and a telegram reserving a berth on the provide agricultural credits. betterments made by the company since 1916.

Western Electric company for supplies during 1920.

this point today either in direct or cross-examination, but it was consid-ered certain that these figures would to meet railroad settlement demands. deposited by the railroads. ered certain that these figures would form the basis for the future discussion of the inter-relation of the Western Electric company and the local telephone company.

in addition to his statistical testimony, was the fact that measured the telechronometer and described by Major Babcock when he occupied the stand would be a more equitable manner in which to provide rates for small telephone users. The witness declared that he had

seen the measuring device in operation in Everett and gave as his opinion that if the instrument was put to use in Oregon it would reduce rates to a large proportion of telephone users and perhaps increase the rates to large telephone users. Depreciation Held Small.

Mr. Willard also told the commission that because of the development of the telephone art he was of the opinion that the depreciation of the

PORTLAND COMPANY TO EX-

Lower Division Dam in Clackamas River and Canal or Tunnel Message in Behalf of Are Projected Extensions.

THE OREGONIAN NEWS BUREAU. Washington, D. C., July 26.-Applica ion has been filed by the Portland with the federal power commission for a preliminary permit for a pro-posed future addition to its Oak Grove project, on Oak Grove creek near the mouth of the Clackamas river, in Clackamas county, Oregon.

in the Clackamas river and a tunne or canal four miles long connecting with the Oak Grove conduit At a later date the low diversion would be replaced by a storage dam 100 to 150 feet high.

Portland Railway, Light & Power company, said last night that the additional filing was merely in keeping with the policy of the company to keep ahead of the requirements for power needed in the city. "The time at which the development of this project will commence depends en tirely upon the business conditions,"

Preliminary investigations have been carried on with respect to the construction of the dam and the bi ings and the testing of suitable foun-

May Go to Harding Next Week. WASHINGTON, D. C., July 26 .-Harding within the next week, At-

o answer the question, John H. Mc- vast amount of war-time legislation necessary to advise the president of whose chief function in the present the effect of a peace proclamation on

Sight May Be Saved. SALEM, Or., July 26.-Francis

Blackner, 38, a farmer residing in that inasmuch as it was the duty of the commission to correct any error blindly for a quarter of a mile this that might be discovered in previous orders, the testimony concerning the valuation of properties should be admitted in the record.

morning before reaching assistance that might be discovered in previous orders, the second might be discovered in previous morning before reaching assistance morning the control of the control hands, but physicians believe his sight will be saved.

RIGA. July 26.-Senator France has decided to prolong his stay in clared that the government steamer Rotterdam, which will be due to sail from Rotterdam for New York August 17.

Japan decides to Join unreservedly in dis-armament conference. Page 2. Senate makes early response to president's plea in behalf of roads. Page 1. Washington roused over pellagra scare
while southern states protest. Page 5.
Portland Railway, Light & Power company seeks federal permit for extensions. Page 1.

Rate overhauling in Fordney tariff bill advised. Page 14.

Army to be cut to 150,000 by July 31.

Page 2. Russians probably will yield to Hoover's terms, says Mark Sullivan, Page 3.

overnor Small to submit to arrest. Pacific Northwest. Washington sells last bonus bonds. Page 7. when the railroad legislation would

President of Purdue found dead in preci-pice. Page 1. company officials fear cut in valuation. Page 1 Pacific Coast league results: Portland 4,
Vernon 7: San Francisco 12, Salt Lake
6; Los Angeles 3, Sacramento 2; Seattle efficiency of labor during the war,
game posiponed. Page 12.
the president said, were to be walved

Change of owners alds Scattle clubs Page 12. Confessions read to ball plot jury. Page 12 the government large sums, the presinerican to try swimming channel. Page 18.

try trading in wheat is slight. Page 21, at market strengthened at Chicago.

Commercial and Marine.

Page 20.

Roads Effective. ACTION STARTED IN SENATE

Extension of Finance Corporation Power Proposed.

Substitute for Norris Bill Submitted to Lawmakers-Fight Over

Measure Is Expected.

p......

PLEA FOR ROADS, FARMS.

Government is morally and legally bound to fund railroad debts and provide agricultural

corporation take charge of funding railroad debts would cause no added debt or new tax Rallway claims based on in-

efficiency of labor during the war to be waived for the presout surrender of any rights. Justice of funding railroad indebtedness to the government

store railway activities and essential to the country's good

I believe it essential to re-

or will have, ample securities to meet all requirements. tions cannot be raised, and the

This corporation has proved itself so helpful in relief thus far undertaken that I cannot help but believe that its broadened powers will enable it to meet the nation-wide (agricul-

WASHINGTON, D. C. July 26 .-Partial response was made immediately by congress today to a special questing that powers of the war finance corporation be broadened to take charge of funding upward of \$500,000,000 of railroad debts and to

The president in his message de-Russia a few days. He is expected "morally and legally bound" to fund to return to Riga July 30 and from the railroad debts, and was under

The first step toward meeting the second of the two requests-provision for additional farm credits-had been Willard Gives Opinion.

In his message Mr. France said taken in the senate before the message was read. Senator Kellogg, results on the senate before the message was read. publican. Minnesota, introduced a bill drafted by Secretary Hoover and Director Meyer of the war finance corporation, and said to have the approval of the president, as a substitute for the pending Norris bill to reate a \$100,000,000 farm export corporation. The bill embraced the pres-Many signs point to peace in Erin. Page 3. war finance corporation, instead of a new federal corporation, as provided in the Norris bill, to advance credits

No New Burden Imposed.

The message dealt particularly with railroad financing and declared the proposal that the war finance corporation take charge of funding the House committee opposes sales tax railroad debts to the government Page 14.

Fordacy tariff bill would cause "no added expense, no added liability, no added tax burden. The president described the osal as "a simple remedy." contemplating receipts and disposition by

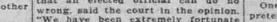
The message was referred by the enate to its interstate commerce committee, but Chairman Cummins, i ill health, was out of the city, and however, expected action within the next fortnight. Several senators said privately that they would fight the legislation.

Speedy Settlement Aim.

the president said, were to be walved for the present to hasten settlement senttle anglers will compete here. Without surrender of any right in court. Although the railways owe dent said, the government also owed the ratiroads large sums on various eccounts. "It is merely the grant of authority

necessary to enable a most useful and efficient government agency to use its available funds to purchase securities for which congress already has authorized the issue and turn them into channels of finance ready o float them." the message said.

provided that the rallways should be (Concluded on Page 4, Column L.)





"This is to advise you that Gov-ernor Len Small is ready to submit to you, or any of your deputies, or to the

Attorney Tomlinson took the stand

Aid of City Is Offered. He said that, while the city had no desire to attack the valuations, hospital undergoing an operation,

as his opinion that the intangible as-sets included in the valuation totaled approximately \$2,000,000. Practically all of the testimony given under di- INDEX OF TODAY'S NEWS rect questioning by Mr. Willard was in ing decreases in costs of materials of all kinds and decreases in the cost of labor throughout the United States.

The Weather.

YESTERDAY'S—Maximum temperature, 74 degrees: minimum, 53 degreez.

TODAY'S—Fair; northwesterly winds. all kinds and decreases in the cost of labor throughout the United States. He also presented exhibits showing various cities as well as valuations of telephone properties in other states as compared with the Oregon valuation. Using data furnished to the city by the telephone company, the witness testified that the Pacific Telephone & Telegraph company in Oregon had paid a total of \$744.423.22 to the

Puture Discussion Expected. There was no further discussion of

Among the points brought out in the direct examination of Mr. Willard, Sheriff to follow Brumfield's trail, Page 4. be taken up was in doubt. Leaders, in addition to his statistical testi.

Pittock will is held to be valid. Page 1. however, expected action within the

Company's properties in Oregon would not be as great in the future as in the past.

Attorney Shaw passed an hour (Concluded on Page 13, Column 8.)

Rasor is target for Agee defense. Page 1. Committee for ban on for-hire stands. Page 10.

Water front improvement by private corporation suggested. Page 11. State will plant 12,000,000 trout this year. Page 10.

This development contemplated the construction of a low diversion dam FARM RELIEF IS ASSURED O. B. Coldwell, vice-president of the

ACTION ON PEACE IS DUE

terney-General Daugherty announced has at no time been questioned

> fortune to hasten both funding and settlement. congress for additional funds The railroad administration has

> wisdom of affording early relief is not to be doubted.

tural) emergency.

provide additional farm credits.

for agricultural exports.

"The contract covering operation