

NEW ATTACK ON PITTOCK WILL IS FILED IN COURT

Detailed Amended Petition Submitted by Caroline Leadbetter, Daughter, in Litigation.

The new attack on the will of the late Henry L. Pittock in which he creates a twenty-year trust fund for his \$8,000,000 estate, was filed late Monday afternoon by attorneys for Caroline P. Leadbetter, his daughter.

The attack came as an amended petition to that one filed some time ago, from which three points were stricken by Judge Tazewell of the circuit court. The amended petition follows the general lines of the former, but is more detailed on the alleged invalidity of the will.

The will attacked is dated August 23, 1918, and was filed in probate February 7, 1919, following the death of Pittock.

TRUST IS ESTABLISHED

The estate was made up largely of stock in the Oregonian Publishing company, the Crown-Willamette Paper company and the Northwestern National bank. A 20 year trust with O. L. Price, executor of the will, and C. A. Morden, manager of the Oregonian, was established by the will.

The amended petition depends largely upon the assertions that Pittock was unduly influenced by the trustees named in the will. At the time the paper was drawn, says the petition, Pittock was 81 years old and he had been replying increased confidence in the two men. The trustees, who were very close to Pittock, the petition maintains, "did wrongfully and unlawfully advise and persuade the deceased to create such a trust and to appoint them as trustees."

SALARIES ARE TARGET

The salaries and commissions which the trustees receive, according to the petition, is greater than the interest of any one of the heirs at law of the deceased in his entire estate, in event the said deceased died intestate.

The petitioner alleges that Pittock was ignorant of the legal effect of the provisions of the will and relied upon the trustees for legal advice, not seeking or securing any independent advice. The will gives control of the Oregonian Publishing company to the trustees and directs that the trustees shall vote for themselves as directors. The petition attacking the will maintains that the trustees had such provisions inserted, "intending and desiring to prevent the heirs at law and the next of kin and all or any of the children and the minority stockholders of the corporations" from having any power to regulate or control the business policy or management of the said estate or having any voice in determining the business policy or management of such corporation."

Bend Dentist Fined For Having Liquor

Heard, Feb. 3.—Dr. J. H. Connors, a dentist, Monday pleaded guilty to the charge of having liquor in his possession. He was fined \$200, half of which was remitted.

Recovery will follow the drinking by Mrs. Roy Baxter of three ounces of alcohol Sunday night. As she is in no condition to give a statement, it is not known whether the liquid was taken accidentally or intentionally. Mrs. Baxter is badly burned.

Millionaire Loses Children

Denver, Colo., Feb. 3.—(I. N. S.)—Judge Ben Lindsay in juvenile court here today awarded permanent custody of her two children, James and Muriel, to Mrs. Helen Elwood Stokes, wife of W. E. D. Stokes, millionaire New York hotel owner.

Oregon Men Go to Capital and Seek Highway Funds

To show congress the need of an appropriation for a continuation of road construction under the federal aid road act and for the building of county and state roads within the national forests, members of the Oregon delegation recently named by the governor are leaving this week for Washington, D. C.

The delegation is composed of Julius L. Meier, Ben F. Jones of Newport, Truman Butler of Hood River, F. L. Chambers of Eugene, N. K. Hedlin of Wapinitia and C. B. McCullough of Salem.

THOMAS MILLER TO BE TRIED ON CHARGE OF KILLING GUY NELSON

Alleged Murder Grew Out of Quarrel Over Mrs. Nelson's Sister, Miller's Housekeeper.

Thomas Miller will be placed on trial for second degree murder in the circuit court of Multnomah county Wednesday morning.

Miller is accused of having shot and killed Guy R. Nelson, November 23, 1919. Mrs. Nelson's sister was staying at Miller's home as housekeeper. On the morning of November 23 Nelson's sister telephoned to her sister, Mrs. Daley, and received the impression that Miller and the woman were quarreling. She told Nelson of it and the two decided to go to Miller's home.

Nelson rushed in and, when queried by Miller, slapped his face. Miller thereupon shot and killed him.

Allen Swiss on Trial

Hugo Turner, Allen Swiss and said to be an ex-convict with a two term record at San Quentin penitentiary, was put on trial this morning before a jury in Judge Morrow's court, charged with receiving stolen property. Turner is being held under two indictments, the other charging burglary.

Bateham May Serve Time

A. P. Bateham, convicted of a statutory charge a year ago and who is now in the state hospital for senile dementia, will be removed to the penitentiary as soon as his condition warrants it. This information comes to Deputy District Attorney Earl Bernard from L. F. Griffith, superintendent of the asylum.

Amended Suit Filed

An amended complaint to that already filed was entered in the county clerk's office this morning by W. H. Pearls in his \$10,000 suit against the Hazelwood company for alleged defamation of character.

Reds Plead Not Guilty

Pleas of not guilty were entered this morning by three of the six alleged members of the Communist Labor party who are under indictment charged with violating the criminal syndicalism act. Request for an early trial was put forth by W. S. U'Ren, attorney for the men. Those who pleaded not guilty were Claude Hurst, Karl W. Ormer, secretary of the party in Oregon, and Jo Taunty.

Murphy Tells Court He Is Not Guilty

V. B. Murphy, arrested for having a still in his house when city detectives raided his house after the Claremont tavern murders, today pleaded not guilty to charges of violating the revenue laws when arraigned in the federal court. Trial was set for March 24. The Claremont murders, since convicted, lived at Murphy's house.

For Colds, Grip or Influenza

and as a Preventative, take LAXATIVE BROMO QUININE Tablets. Look for E. W. GROVE'S signature on the box. 30c.

NEWBERRY RAISES PATRIOTISM FOR DEFENSE IN TRIAL

Main Effort Was to Beat Ford, Who, It Is Alleged, Did Not Represent True Americanism.

Grand Rapids, Mich., Feb. 3.—(U. P.)—"Patriotic duty" was Senator Truman H. Newberry's answer today to charges that he was elected to the senatorship in a "barrel campaign."

Newberry's opponent in 1918 was Henry Ford.

"Patriotic duty" drove the 134 men on trial here charged with frauds in connection with that election to "do everything possible" to elect Newberry, James O. Murfin, attorney for the defense, asserted in outlining his case.

Murfin began to say something about Ford not representing the type of American needed at such a critical time, but as he proceeded Judge Sessions warned him to avoid a discussion of the merits of candidates.

"This is no time for such an argument," Judge Sessions said.

"I want to show the purposes of these men's activities," declared Murfin. "If they investigate illegal expenditures of money during the campaign, it makes no difference," the court ruled.

Murfin's statement was in answer to claims made by Prosecutor Frank C. Daley, who charged the campaign with "enormous amounts" of money were used to purchase votes and buy political support.

"In analyzing what these defendants did, the atmosphere under which they did it must be considered," he said. "When Henry Ford announced his candidacy on June 14, 1918, the fate of the civil war was hanging in the balance. The last German drive was at its height, the advanced armies were within 30 miles of Paris and the chances of victory were uncertain."

"Americanism and patriotic excitement were 'at their very crest,'" Murfin declared.

Murfin declared Newberry had "an honorable record" in the Spanish-American war, and had been secretary of the navy under "that militant American" Theodore Roosevelt. He told how Newberry volunteered his services "within 48 hours after our country was threatened" in 1917.

"We will prove conclusively that what these men did was not for pay, but for patriotism," Murfin declared. "They were not actuated by avarice, but by Americanism."

CITIZENS WANTED HIM

Murfin said Newberry was asked to become a candidate by a group of "representative citizens" who conferred in Detroit as early as August, 1917.

"At first Newberry demurred," Murfin said, "but in December and January the Newberry movement in Michigan continued to gather force and momentum until finally the commander seriously set about to inquire whether or not it was his duty to make the race."

Murfin said that when Newberry "finally consented" to the use of his name he stipulated he could not leave his duties as aide to the commander of the Port of New York, that he could not be active, and that he could not contribute one dollar to this movement.

"This determination was religiously adhered to by him from beginning to end," Murfin said, "and the proof will positively show you that not one dollar of his money was handled by anyone."

NEWBERRY POSED AS NAVAL HERO, DECLARES PROSECUTOR

By Sam Blair

Grand Rapids, Mich., Feb. 3.—The gentleman who became Ruler of the Queen's Navy after an arduous period of polishing door knobs, was no better land sailor than was Truman H. Newberry during his service as naval lieutenant commander, it appeared from what Special District Attorney Frank E.

Daley told the jury in the United States district court here today.

The federal attorney outlined a number of methods in which the alleged huge sum was spent to make Newberry's election to the senate possible. One of these money spending schemes had to do with the circulation of what was termed a "patriotic" movie film—a picture entitled "Our Navy," and shown throughout Michigan with the ostensible purpose of "aiding navy recruiting."

OLD FILM PURCHASED

"Paul H. King (Newberry's campaign manager) sent to New York, M. Phillips, one of the defendants and a publicity expert of the senate campaign committee," said Daley. Daley told the jury that Phillips first purchased 1000 feet of old film showing navy scenes.

Then, according to Daley's statement, Phillips and a movie photographer accompanied the lieutenant commander to a recruiting station set up on dry land in a New York park. In full uniform Lieutenant Commander Newberry stood upon the bridge of his pseudo man-o-war, and while the camera flashed a close up scanned a suppositional deep blue sea.

"Finally, he slowly turned and allowed the camera to catch a full view of his face, the expression sought being that he was reviewing them."

One hundred and twenty feet of Newberry's movie were taken and Judge Sessions said he had seen the old navy film purchased by Phillips. Daley charged. This film, with copies, cost the Newberry campaign committee \$10,000. The film was shown in Detroit distributing concern for its circulation, according to Daley.

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FIFTH MARINES TO REPRESENT FIGHTERS WHO FACED ENEMY

Reorganization of Famous Regiments Now Going On; Portland Included.

Only marines and army men who served during the German war may join the reorganized Fifth marines, which is to be recruited during the coming few weeks, according to announcement received today by Captain LeRoy Hunt, commander of the Portland marine corps recruiting station.

The Fifth marines is one of America's most famous fighting regiments. It served in all the big American offensives and in addition, the French offensive in the Champagne. With the infantry, they stayed off the Germans at Belleau wood. It was there they gained their great fame.

Captain Hunt himself was a member of the Fifth marines, serving as company commander. He was decorated for his men, he was decorated for extreme bravery, and now wears the French croix de guerre, the American distinguished service cross, and a general Headquarters citation signed by General Pershing.

Hunt will leave the Portland station today, having received orders to attend to his duties at the Marine Corps headquarters in Washington, D. C., where he will act as infantry instructor.

Investigation, which resulted, it is said, in clearing Durand and confirming the service men's accusations against Myers.

DEPOSED POSTMASTER SET BACK ANOTHER PEG

Frank Stott Myers, who was postmaster at Portland until midnight Saturday, was divested of the last vestige of his authority in the office this morning when Assistant Custodian Hutchins received orders from the United States treasury department to assume custody of all local postoffice property.

The transfer of authority is said to have resulted when a request was wired to Washington Monday night asking that Myers be relieved as custodian. Hutchins now shares with Robert H. Barclay, chief inspector of the Spokane district, all responsibility for the office and its conduct.

Myers appeared at his office only for a moment after the request was made to take any part in the conduct of its affairs. Meanwhile Barclay occupies the post office inspector's office and from there directs the work of the entire office. All business is transacted under his name as "inspector in charge of the Portland, Oregon, postoffice."

"Everything is beautifully serene today," Barclay declared. "So far as I am aware, the situation is not changed over Monday in any detail. The work of the office is going smoothly. I agree with Myers' statement that personally we are the best of friends. I am only following the instructions that have been given me from Washington. Inasmuch as postoffice property is in the keeping of the treasury department that feature is outside my realm."

But it is freely admitted by observers of the postoffice situation that the

Myers case is not yet a closed book. The result of a message sent to Washington Monday by Harvey G. Starkweather, chairman of the Democratic state central committee, is yet to be seen. Starkweather had received no word from Washington late today.

HEARING IS REQUESTED

Starkweather's message, addressed to Senator Charles E. Townsend, chairman of the senate committee on postoffices and post roads, declared that "high handed methods" were being employed to remove Myers "to please a faction of the Democratic party in this state."

Starkweather declared: "He has made an excellent postmaster and if any charges have been made against him he has had no opportunity to answer them."

The message asked for Myers the courtesy of a complete investigation. In the meantime the postoffice department has not made public the charges under which Myers' resignation was requested and under which he was dismissed when he failed to submit his resignation.

Myers was notified of his dismissal in a private message from the postoffice department and when the inspector's office here sought information it received on Monday from Postmaster General Burleson's office the following message:

MYERS IS RELIEVED

"Telegram sent to Mr. Myers by postmaster general stating: 'Replying to your telegram, order has been issued by direction of president removing you from office of postmaster at Portland, effective January 31. I have exercised authority given in section 262, postal laws and regulations, and placed an inspection in the postoffice.'

Myers' friends are prepared to aid him in case an investigation is granted him on the charges said to have been made against him. Myers declared he has a right, under postal regulations, to such a hearing and that he will demand it, as he will also demand that the senate concur with the president in his dismissal."

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200 POUNDS OF DOG, REAL LIVE CANINE, IS SOLD AT AUCTION

Unlicensed Mastiff Freed From Dogcatcher; Terrier Pal Still Waiting for Home.

Dogs, dogs and more dogs. Also dog owners aplenty.

The two classes met almost immediately after The Journal published a picture and story the other day about a great mastiff and his little fox terrier pal found straying about the streets.

"The big mastiff was sold immediately after The Journal came out with the story and picture, four men bidding for him," declared Mrs. F. W. Swanton, manager of the Oregon Humane society. "And there have been 62 calls so far for the little fox terrier. However, we have not sold the terrier, believing that its owner may show up."

The mastiff, weighing more than 200 pounds, was sold to Carl Thielman of the East Morrison Picture Company. He was "arrested" with his fox terrier pal when Humane society dog catchers discovered that the canines were unlicensed.

Licenses money is used by the Humane society to alleviate suffering of children and animals.

Carter Glass Sworn As Senate Member

Washington, Feb. 3.—(I. N. S.)—Carter Glass was sworn in Monday as a member of the senate, to take the place of the late Senator Martin of Virginia.

Permits Are Issued For 4 Residences, Two Warehouses

A building permit was issued Monday afternoon to Turner & Winship for a \$8000 residence at 675 East Fifteenth street north. Permits were also issued for residences at 704 East Sixteenth street and 1189 East Davis street, costing \$7000 each, and to Margaret M. Tulley for a residence at 271 East Twenty-first street, costing \$4000.

The city of Portland secured permission to build a warehouse costing \$6000 at St. Johns terminal, and the P. R. L. & P. company was given a permit to erect a warehouse for \$3000 at 235 Pine street.

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