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West, assistant Denny, told the dairymen that he would see to it that it did not cost any dairymen one cent who would violate his contract with the league. Denny stated that the meeting was called by West and the apparent purpose was to cause the dairymen of that district to repudiate their contracts with the league and thus bring about a disruption of the organization.

Statements made by Denny were further corroborated by the testimony of two other dairymen, Fred Strucklen and Jacob Zwingle, who were also members of the league and were present at the meeting.

Joe Andrej, a dairymen from Fairview, told of being visited by A. B. West, general manager of the Portland-Damascus Milk company, and being asked if it would not be better for him to sell his milk to the Portland-Damascus company at \$2.50 than through the Dairymen's league at \$3.20 a hundred pounds.

"Did you suggest to work that if he could pay you \$3.50 a hundred pounds for your milk he ought to pay the Oregon Dairymen's league \$3.50 a hundred pounds for their milk?" asked Judge McCourt.

The witness replied that he did not. He said he told West he was satisfied with the league and would not abandon it.

**GLASS POINTED OUT**

Strucklen pointed out Frank S. Glass of the Nestlé's Food Products company in the courtroom as the Portland-Damascus man who had visited him twice, once since the present injunction suit had been brought, concerning his attitude toward the league. He asserted his loyalty and told him to stick to it. Strucklen said Glass told him his contract was not binding and that he took it to his attorney to verify this. He stated that his attorney told him to stick by the league and that he would "go broke" if he allowed it to be broken up by the "large corporations and milk dealers."

The fight of the Portland Milk distributors and the Nestlé's Food Products company against the Oregon Dairymen's Cooperative league is a fight against the principle of cooperative marketing, was indicated openly Tuesday afternoon when Charles Bell, attorney for the Portland-Damascus Milk company, charged that the marketing agreement which the league had with its members was null and void because it was against public policy.

The charge was made during the hearing on the injunction sought by the league to have the distributors and the Nestlé's Food Products company restrained from an alleged conspiracy to induce the members of the Dairymen's league to violate their contracts with their own organization.

**BELL IS OVERTHROWN**

Bell had previously attempted to have ruled out all testimony showing figures on what the producers receive for their milk as compared to what the distributors receive. This was not allowed by Judge McCourt, who said that such testimony was admissible.

Dan J. Malarkey in presenting the side of the dairymen, stated that of the 15 cents the consumer paid for milk, the producer got only 6.8 cents and the distributor 8.2 cents.

"That is just exactly the testimony that we don't want to go into in this case," objected Bell. "It is immaterial to the issue."

**COURT TO USE DISCRETION**

"The court will use its own discretion on what is material concerning this testimony," said Judge McCourt.

**EXPERT GIVES TESTIMONY**

Hector MacPherson of the bureau of markets at O. A. C. took the stand late in the afternoon and testified in support of the cooperative movement. He said the ironclad nature of the contract which the Dairymen's league had with its members represented the greatest step forward since the inception of cooperative marketing.

MacPherson said that failure of cooperative associations in the past to bind their members by ironclad contracts had resulted in the failure of thousands of cooperative associations.

F. J. Johansen, a dairymen from near Gresham, testified that not until the organization of the cooperative association had he ever been able to get anywhere near cost of production for his milk. He cited one instance of where under the old system he was given 50 cents a hundred pounds for milk by Portland distributors and had been compelled to accept that or take his produce back to his farm.

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**SUIT ON MERITS**

Winslow declared that Todd's resignation as superintendent of the Salem schools had no bearing on the institution of the suit, which, he declared, would probably have been brought sooner or later even should Todd have remained at the head of the schools here.

The other 17 alleged victims of the Byron timber deals interested in the suit together with Vandervort are: Emma Vandervort, F. L. Wilkinson, Mrs. F. L. Wilkinson, F. J. Kuntz, Lotie D. Winslow, Mrs. F. E. Evans, F. E. Evans, Lester R. Evans, A. J. Evans, Mary B. Young, Miles B. Young, W. J. Young, Fred F. Prince, J. B. Hileman, Alice M. Hayes, Arthur E. Cummings and George L. Cummings.

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After spending 12 hours in jail without regaining his senses Tuesday, E. P. Blake, arrested at Sixth and Hoyt streets on a charge of being intoxicated, was sent to the emergency hospital and later transferred to St. Vincent's hospital. Blake is said to have drunk 12 bottles of a patent medicine. He was arrested on complaint of his landlady.

**Letter Carriers to Have Jaunt**

The Letter Carriers' association will give a moonlight excursion and dance on the Swan on Thursday evening, August 26, at 8:45 p. m., at the foot of Jefferson street.

**Rate Increase Asked**

Salem, Aug. 25.—Application for an increase in water rates was filed with the public service commission Wednesday by the California-Oregon Power company of Klamath Falls.

### EDUCATOR MADE CO-DEFENDANT IN TIMBER LAND SUIT

Salem, Aug. 25.—John W. Todd, until recently superintendent of the Salem public schools, is made co-defendant together with Carlos L. Byron, now serving a term at McNellis Island, in a suit filed in the circuit court here today by H. H. Vandervort and 17 other "victims" in the alleged Byron timber scandals, for the recovery of \$9000 alleged to have been paid to Todd and Byron in connection with promises of locations on timber claims, which promises, it is alleged, were never fulfilled.

The \$9000 involved in the suit represents the first installment of \$500 each paid by the 18 Salem people who are filing the suit.

**MAY ALLEGE FRAUD**

The complaint, which was filed by W. C. Winslow, representing the claimants, does not disclose the details of Todd's alleged connection with the timber deals, but in an interview Winslow declared that the group upon which the suit would be made to recover the money would be based upon the fact that the transactions were fraudulent in their inception and that Todd had full knowledge and information regarding the true nature of the situation and participated in the procurement of the applications with the knowledge and received a portion of the money. Winslow declared that he was possessed of evidence to substantiate his contentions.

**SUIT ON MERITS**

Winslow declared that Todd's resignation as superintendent of the Salem schools had no bearing on the institution of the suit, which, he declared, would probably have been brought sooner or later even should Todd have remained at the head of the schools here.

The other 17 alleged victims of the Byron timber deals interested in the suit together with Vandervort are: Emma Vandervort, F. L. Wilkinson, Mrs. F. L. Wilkinson, F. J. Kuntz, Lotie D. Winslow, Mrs. F. E. Evans, F. E. Evans, Lester R. Evans, A. J. Evans, Mary B. Young, Miles B. Young, W. J. Young, Fred F. Prince, J. B. Hileman, Alice M. Hayes, Arthur E. Cummings and George L. Cummings.

**Annulment Is S**