

COUNTY JUDGE INVOLVED IN HANGING CASE

First Witness for State Testifies Two Prominent Jackson County Men Participants.

MEN RELEASED AMID FUSILLADE OF SHOTS

York Told by Masked Men to "Quit Running Around With Nigger."

MEDFORD, Or., March 14.—The first sensation in the second night riding trial came in circuit court today at Jacksonville, that of J. Alexander Norris and Thomas E. Goodie on the charge of being participants in the masked and hooded band which is alleged to have "hanged" Henry Johnson near Medford last April, when Johnson, who was the first witness for the state implicated two prominent Jackson county men.

He testified that among the masked men that night whom he positively recognized by their voices were County Judge George A. Gardner and Frank L. Touville, ex-county judge. Touville was the candidate for secretary of state at the last election on the Democratic state ticket.

Both Johnson and the latter's runner companion, George A. York, who on the night of the alleged crime was lectured by the masked band, testified today. A feature of the opening argument to the jury by the state was that it expected to show that Norris and Goodie "aided, abetted and cooperated with the masked men" and "that the holding was a frameup."

Among this afternoon's developments at the trial was the reading of a deposition from W. A. Bishop, owner of the truck, which, it is claimed, Norris and Goodie borrowed to take the trip to Ashland, from which Johnson and York were taken by the masked men. Bishop is too ill in a Medford hospital to appear and testify in person.

Johnson and York both testified today as witnesses for the state and the latter's story corroborated in the main the testimony of Johnson, who is the state's star witness.

Denies Allegations Their stories agreed as to their having been asked by Norris and Goodie to accompany the latter two on the automobile trip to Ashland to load a gasoline tank that Goodie was to use in his garage at Jacksonville. On the return, they testified, they were near the outskirts of Medford when a touring car which had been following them passed beyond them and about the same time the truck came to a stop. They testified a band of six or eight masked men took charge of them. York said he was led to one side and given a lecture and told to "quit running around with that nigger."

In the meantime, it was testified that another masked man handcuffed Johnson and put a rope around his neck and conducted him beneath a tree to one side. Johnson said he was asked questions as to his conduct by the hooded men. He said that he denied all the allegations.

Both men testified that their captors wore masks and gowns that reached to the heels. Finally, the witnesses said, the incident closed when they were allowed to go amid a fusillade of shots.

CLOCKS ORDERED TOKIO, March 14.—The electric bureau will install electric clocks at various street car stops here with a view of teaching people the habit of observing time.

WIDOWER OF ACTRESS GETS AMBASSADORSHIP TO SPAIN



Alexander P. Moore, Pittsburgh publisher, was nominated Ambassador to Spain to succeed Ambassador Woods. Mr. Moore, who recently retired from the publishing business, is 56 years old and has been a close friend of President Harding for many years.

SPENCE MADE MARKET AGENT

Master of State Grange Receives Appointment to New Department.

C. E. Spence of Oregon City, master of the State Grange, was yesterday appointed by Governor Pierce as state market agent under a law enacted by the recent legislature. Mr. Spence will assume the duties of the office April 1. His salary will be \$250 a month, or \$3000 a year, fixed by the governor. The law allows a salary up to \$4000 a year.

Mr. Spence is a native of Ontario, Canada, but has lived in Oregon since 1891 with the exception of two years. He is serving his 13th year as master of the State Grange.

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MOONSHINERS GET HEAVY SENTENCE

Eugene Couple Fined \$3,000 and Sentenced to Long Terms in Jail.

EUGENE, Or., March 14.—Bill Kilsudski and his wife, Frances, farmers living near Eugene, pleaded guilty in the local justice court today to the charge of having a moonshine still in their possession. Under the new law passed at the recent session of the Oregon legislature, Kilsudski was fined \$3,000 and sentenced to the county jail for six months and his wife was sentenced to pay a fine of \$1,000 and serve three months. They were arrested last night during a raid on their residence where the deputy sheriffs say they found the still in complete operation and found a quantity of corn mash and finished moonshine.

PARDONED BY RITNER, WOMAN AGAIN CAUGHT

Grand Jury Indicts Bertha Reed, Alias Bertha Edwards, on Forgery Charge.

PORTLAND, March 14.—Bertha Reed, alias Bertha Edwards, paroled last December during the administration of State Senator Roy Ritner as acting governor when 78 convicts were granted paroles, pardons and commutations of sentence, was indicted by the grand jury on a charge of forgery. The offense is alleged to have been committed February 1 and the charge is that the defendant passed a worthless check on the Northwestern National bank for \$56.76.

CITY HALL UP FOR SILVERTON

Bond Election Likely to Be Called Soon—Architect Has Plans.

SILVERTON, Or., Mar. 14.—(Special to The Statesman.)—Silvertown is contemplating the building of a city hall which is to cost about \$40,000. Preliminary plans are already on file and the matter will probably be brought to a bond vote within 20 days.

The preliminary plans from which the estimates were taken were made by F. H. Morrison of Dallas. These plans show a building which will house the city fire department, the city jail, the library and the court and council rooms. The plans have been discussed with several business men and so far the council has met with no opposition.

The council has several sites in view but the final selection of a location will be left to the people or to a committee of citizens. The architect for the completed plans has not yet been chosen.

PIERCE TO SPEAK Governor Pierce will speak before Willamette University students at chapel this morning at 11:25 o'clock. The subject has not been announced. The wings will be open for visitors. The address is expected to be short.

PLOT IS ALLEGED TO AID PRISONERS TO MAKE ESCAPES

Because of evidence that has come into his possession that persons from outside the state penitentiary have aided trusty convicts to escape, and that influences are now at work to aid others to escape, Warden Johnson S. Smith said yesterday that he will ask the Marion county grand jury for an investigation. The grand jury convened here in regular session yesterday.

Two of the recent escapes have been from the prison wood camp where, according to the warden, liquor was recently "planted" by outside persons where it would be found by the convicts. Not all the trusties, however, would enter into the scheme and a quantity of liquor, it is said, was turned in to the prison authorities.

The trustees, who recently escaped were George Kemp, James Hanford and Frank Payne. Kemp got away from near the prison in one of the prison automobiles and got as far as New Era before he was captured.

Two Still at Large When returned to the prison Kemp was under the influence of liquor and is said to have made a confession implicating a former prison official, Hanford and Payne youths of 20 years, escaped from the wood camp near Marion where they were employed as trusties. They have not yet been apprehended.

The assumption is that the alleged outside influences are at work for the purpose of discrediting the new prison administration.

Employee Discharged Another development, in addition to the suspicion directed against outside persons, was the recent discharge of one of the prison employees who was suspected of having a hand in aiding escapes. This employee stoutly denied this when informed that he was under suspicion.

SELECTION OF FOSTER JURY UNCOMPLETED

State Twice Approves Panel; Defense Will Dismiss Another by Peremptory Challenge.

RIGHT TO PREACH REVOLUTION ASSERTED

Declaration of Independence and Constitution Much Different.

ST. JOSEPH, Mich., March 14.—(By The Associated Press.)—Selection of a jury to try William Z. Foster, charged with violating the Michigan law against criminal syndicalism was still uncompleted tonight, although twice today the state had approved a completed panel.

At adjournment tonight Frank P. Walsh, chief counsel for Foster, announced he would promptly challenge tomorrow one of the 12 tendered by the prosecution.

Today's session was marked by long abstract arguments over highly technical questions of political economy and inherent moral rights, which frequently were not only over the juror's heads but left attorneys floundering in deep water.

Judge Charles White, presiding in the case, and Mr. Walsh clashed over the legal right of individuals to preach the inherent right of a people to stage a violent revolution. The court's criticism of Mr. Walsh's line of questioning led the latter to enter an exception to the judge's remarks in the presence of the prospective jurors, as being prejudicial to the interests of his client.

No Right Questioned The argument over the right to revolt was ended only when the juror being questioned, Louis Reber, a former school teacher, who said he had taught everything on the high school curriculum except domestic science, stated his own position so clearly that Mr. Walsh promptly used a peremptory challenge to dismiss him.

The defense attorney declared that Foster, or any one else had the privilege to point out to Americans that they had a right, stated by the Declaration of Independence to revolt if conditions under their form of government became intolerable. He argued that the Michigan syndicalist or any other statute was not violated unless the advocate of revolution in the abstract actually advised the resort to arms.

Judge White declared no right to preach revolution existed and George Bookwalter, assistant prosecuting attorney of Berrien county, said Mr. Walsh was confusing the Declaration of Independence which is not a law—with the constitution of the United States—the basic law of the nation.

Cites French Revolt Mr. Walsh insisted the inherent right of a people to revolt could not be limited by the constitution and its provisions of peaceful assembly to petition congress to redress wrongs did not in any way limit the right to do away with the entire system of government even by force if the majority of the people found it unsatisfactory.

"In fairness to you, Mr. Walsh, Juror Reber interrupted. 'I don't see how such a situation as you have outlined when a violent revolution would be right, could arise in this country. I believe absolutely in the rule of the majority.'"

He then was excused. The same question came up again and again, Mr. Walsh pointing out to each juror his assertion that the citizens of a country had still higher rights to life, liberty and the pursuit of happiness, which not even the constitution could limit. He cited the French revolution as an example of armed revolt against intolerable oppression and pictured the French army in the recent World war as the descendants of the peasants who overthrew the Bourbons to wrest the land from the royalty, nobility and clergy.

LADIES' DAY INTERRUPTED PHILADELPHIA, March 14.—Ladies' day in a Turkish bath house was rudely interrupted by 10 prohibition agents here today when the officers raided the establishment in search of moonshine. A still, in operation, and 40 gallons of alleged moonshine whiskey were found and 50 women seen scampering for cover.

TIMBER BOUGHT IDAHO FALLS, Idaho, March 14.—A company representing Montana capital has completed a deal involving \$2,000,000 feet of standing timber in the Island Park country, according to an announcement by W. H. Smead of Missoula.

GERMANY READY TO SUBMIT NEW PLAN FOR REPARATIONS

LONDON, March 14.—(By The Associated Press.)—Germany is about to make a declaration that she is willing to and ready to produce a plan for the final settlement of the reparations question, provided she can rely on the plan receiving the attention and consideration of the allied governments, says the Daily Telegraph's diplomatic correspondent, upon whose information the Daily Telegraph in an editorial says the fullest reliance may be placed.

PAYMENT ON INCOME DUE

Today Last Day to Pay Tax on Last Year's Income; Citizens Warned.

NEW YORK, March 14.—With tomorrow the last day on which federal taxes may be paid on last year's income, the government today began jacking up citizens alleged to have failed to report their entire receipts in other years.

While last minute returns for 1922 were pouring into internal revenue offices this afternoon a federal grand jury in Brooklyn indicted Frank Cieslik, a real estate operator and stock promoter, for alleged failure to report his entire income in 1920.

Cieslik paid a tax which investigators considered too small. The case was passed along to Washington and orders were received to make a more extensive investigation as a result of which it was alleged that the promoter owed the government \$1,952,000 in taxes and penalties on an income of about \$3,000,000.

Six Years Behind Collector Rafferty in Brooklyn, casting his eye on contributions to churches and charitable institutions which are exempt from tax, said that if these institutions had received all the gifts credited to them by taxpayers, they would need no more funds this year at least.

Meanwhile announcement was made that the government was six years behind in auditing returns and that expert accountants were urgently needed. Government agents said that they were now completing their audit for 1917 and that \$300,000,000 additional in taxes due the government already had been uncovered.

RALPH EMMONS GIVEN HONORS

Salem Boy Is First on Freshman Debating Team at Northwestern.

Ralph Emmons, graduate of Salem high school in June 1921, and now a freshman at Northwestern university at Chicago, has won a place on the freshman debating squad from among a group of 28 competitors. He was given first place by the judges. The freshman team will debate the University of Illinois, April 13.

While in Salem high school Emmons was for two years a member of the high school debating team and was a member of the state championship team which brought the trophy cup into the permanent possession of Salem high school in 1921. The Salem team of which he was a member last year, 1922, was defeated in the semi-finals.

He plans to major in journalism and has been elected assistant manager of the Northwestern Daily, an honor seldom given a freshman. He was editor of the Salem high school Clarion during the senior year and was reporter and proof reader on the Statesman for some time. He has been pledged to Phi Kappa Sigma fraternity at Northwestern.

Miss Marion Emmons, a sister, and well known as a violinist in Salem, is studying now in Chicago and has received a number of special honors as a student which have helped her for the work. Their mother, Mrs. W. W. Emmons, will leave early in April for Chicago where she will visit for a time with Ralph and Miss Marion.

Secretary of Public Service Commission Is Given New Position. William P. Ellis, who since June 30, 1920, has been secretary to the public service commission, yesterday resigned to accept a position as special assistant attorney general to have charge of legal matters connected with the service commission. Edward Ostrander of Portland, formerly secretary to the commission, has been appointed to succeed Ellis. The change is effective immediately.

Mr. Ellis entered the service of the commission in August 1914, as assistant reporter. Later he became official reporter and for a time was examiner. When Ed Wright of La Grande resigned as secretary in June, 1920, Ellis succeeded him. Ellis has served under every commissioner but one who has ever been a member of the railroad or public service commission.

Mr. Ellis was admitted to the Oregon bar in July, 1913, having been graduated from the college of law of Willamette university. At the present time he is conducting important litigation for the commission.

Mr. Ostrander first became connected with the commission December 31, 1912, as an examiner, and was engaged in the preparation of considerable data connected with railroad rate cases. He became secretary of the commission in June, 1916, succeeding E. H. Corey, who was elected commissioner. He served as secretary until September 1, 1917, when he resigned to engage in communication work in connection with railroad rate matters.

THE WEATHER OREGON: Thursday, fair. LOCAL WEATHER (Wednesday) Maximum temperature, 52. Minimum temperature, 30. River, 6.3 feet; rising. Rainfall, none. Atmosphere, clear. Wind, west.