

CIRCULATION	
Average for February, 1923:	
Sunday only	6082
Daily and Sunday	5420
Average for six months ending January 31, 1923:	
Sunday only	5809
Daily and Sunday	5461

# The Oregon Statesman

IN THE CITY OF SALEM  
and elsewhere in  
Marion and Polk Counties  
Nearly everybody reads  
The Oregon Statesman  
THE HOME NEWSPAPER

SEVENTY-SECOND YEAR

SALEM, OREGON, SATURDAY MORNING, MARCH 24, 1923.

PRICE FIVE CENTS

## SIoux CITY IS THREATENED

### FOSTER JURY TAMPERED. IS RUMOR SPREAD

Judge Called Conference With Attorneys for State and Jurors—Defense Not Invited.

### STRICTEST SECRECY ORDERED BY JUDGE

Birth of Radicalism in Germany Told by Witness for Defense.

ST. JOSEPH, Mich., March 23. (By The Associated Press.)—The state's case against William Z. Foster, charged with criminal syndicalism is based partly on discarded programs and policies of the communist party which had not been in circulation for months prior to the convention held in this county last August, Charles E. Ruthenberg, a defense witness testified today.

Ruthenberg, executive secretary of the Worker's party and former member of the Central Executive committee of the Communist party of America was arrested when the convention was raided, and is awaiting trial.

Jury Said Tampered. He testified under examination by Frank P. Walsh, chief counsel for Foster, that the program and constitution of the Communist party of America, introduced in evidence by the state, had been dropped at least five months before the committee. Ruthenberg said he wrote the report of the adjustment committee, presented to the convention by the advocates of abandonment of the illegal underground communist organization in favor of the legal workers party.

He testified that when the convention voted on the question, the advocates of the legal organization were defeated by one vote, they casting 22 votes against 23 cast by the so-called "goose caucus" composed of the radical extreme left wing.

Rumors that an attempt had been made to tamper with the jury were current about the courthouse tonight after court adjourned at the close of the second week of the trial.

All the principals in the case refused to talk, however. Judge Charles White, who held a hastily called conference with attorneys for the state and then closed himself with the jurors for five minutes, said he could answer no questions.

The attorneys for the state said the judge had enjoined strictest secrecy. Foster's attorneys were not invited to the conference.

Ruthenberg spent two and a half hours on the stand this afternoon and was still undergoing direct examination when the court adjourned for the week. Qualifying over the objections of the state as an expert on libel and radical thought, he was permitted to give the jury a history of the revolutionary movement for the last 75 years.

### City of Washougal Is Threatened by Big Fire

WASHOUGAL, Wash., March 23.—The Washougal Woolen mills were threatened with destruction early this morning by fire which also was menacing the whole city of Washougal. At 1:30 a. m. it was said that the scouring building which adjoined the drying room where the blaze started, practically was destroyed. It was impossible to estimate the loss although it was declared that thousands of dollars worth of property already had been destroyed.

**THE WEATHER**  
OREGON: Rain Saturday.  
LOCAL WEATHER (Friday)  
Maximum temperature, 51.  
Minimum temperature, 34.  
River, 4.6, falling.  
Rainfall, .01 inch.  
Atmosphere, partly cloudy.  
Wind, east.

### MYSTERY SURROUNDS MURDER OF MISS DOROTHY KIERNAN



Another great murder mystery with the bright lights of Broadway, cabarets, and an unconventional way of living as the background is now attracting the blasé New Yorker. In a few short hours, days or weeks it will be forgotten entirely. Miss Dorothy King or Kiernan, whose body was found in her flat murdered and the police of more than a score of cities are looking for the possible murderer. Photo shows a studio likeness of the girl.

### PIUTES STILL HOLDING OUT

Little Band of Renegades Expected to Surrender Soon, Say Dispatches.

SALT LAKE CITY, March 23.—With a further diminution of their numbers by capture, the renegade Piutes are still holding out in their retreat in dark tank canyon, but an early termination of the struggle is apparently in sight, according to dispatches from San Juan county.

The second fight since the trouble began occurred late last night. An Indian known as Cowboy Charley's boy, was shot and killed. Nine others were captured, but five of the number broke away from the little group escorting them to Blanding and rejoined the band in the canyon. Chief Old Posey commanding the recalcitrants.

Captives Are Problem. The problem before the whites is what to do with their captives. The Piutes have no fixed place of abode.

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### SOMETHING FINE FOR ALL IN PROGRAM OF SYMPHONY ORCHESTRA AT THE ARMORY

One almost hated himself for being an American when the Symphony orchestra struck up the splendid big Folkungur Coronation march at the armory last night. No American can ever be crowned in such style as they do it in that massive production. Regiments of heavy-footed soldiers, eyes to the front and a spear in their throat if they so much as bat an eye; a thousand red faced trumpeters, blaring out the coming of the king in thunderous din; gaily caparisoned horses, hove, shod and armoured in steel, each with a steel-clad warrior astride his ample back; long rows of silent, pop-eyed populace—and then, the King! Ah, the King! If it were but I for whom they shout and shatter the air! But it never comes to any American; and because it can't ever be, why not hate the doctrine of equality, for just a few minutes?

The Coronation number was the really big number of the program. There were other dainty numbers,

### TARIFF HELD SUGAR ANSWER

Reduction Held Necessary if Prices of Product Are to Tumble Down.

WASHINGTON, March 23.—Contending that the "present run away sugar market dominated by profiteers, owes its chief underlying original cause to the tariff price boosts," Cordell Hull, chairman of the Democratic national committee today advocated a 50 per cent reduction in sugar duties.

"President Harding has in his hands the most immediate and potent single remedy for the relief of the sugar situation," said Mr. Hull, adding that the president should direct the tariff commission if necessary to make an immediate report to the end that the reduction could be put into effect by executive proclamation.

Statement Causes Rise. Basil M. Manly, director of the People's Legislative service, who announced several days ago he

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### FREEDOM OF AIR TO BE CONTESTED

Eyes of Radio to Be on Case 'Between Wireless Operator and Banker.'

JOLIET, Ill., March 23.—The first court fight over the freedom of the air will take place at the Livingston county court house at Pontiac, near here, at the April term, it was announced tonight. Edward McWilliams, wealthy president of the State bank of Dwight, last November was granted a temporary injunction restraining G. Wyle Bergman, 18 years old, an amateur wireless operator at Dwight, from using his broadcasting station because it is alleged to have interfered with the receiving of radio telephone service in the McWilliams' home. The eyes of the radio world will be on the case and men of national note from all sections of the country, including Herbert Hoover, secretary of commerce; Mitchell Lewis, machine gun manufacturer, of New York, and Hiram Percy Maxim, president of the American Radio Relay league, have signified their intentions of attending the hearing.

### SHORTS TAKE STOCK OFFER

Saunders Sells Shares at \$100; Many Take Advantage of Lower Price.

NEW YORK, March 23.—Piggly Wiggly, one of Wall Street's leading topics for the past few days, virtually dropped out of sight today, when a majority of those caught "short" Tuesday when trading in Piggly Wiggly Stores, Inc., class "A" common stock, was suspended on the New York stock exchange, settled their accounts on the basis of the \$100 offer made by Clarence Saunders, president of the corporation.

While accurate information as to the number of shares delivered to E. W. Bradford, counsel for Mr. Saunders, was withheld, it was stated that by far the larger number of the "shorts" took advantage of the lower offer. Yesterday they were required by Mr. Saunders to settle at \$150 except when they were able to find stock on the outside at prices ranging from \$110 to \$145.

Market Drops. A few sales were made in the early forenoon today at \$125 to \$135, previous to receipt in New York of Mr. Saunders' instructions to the National Bank of Commerce, where he had a considerable supply of the stock, to permit the "shorts" to buy it for delivery to his attorney at \$100 a share.

The outside market dropped with that announcement to \$90 bid and \$100 offered. Most of those who were short in the stock however, visited the National Bank of Commerce and bought Mr. Saunders' stock at \$100 immediately delivering to Mr. Bradford.

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### GASOLINE TAX TO BE REFERRED

Automotive Trade Association Makes Attempt to Kill Additional Levy.

The referendum was yesterday started, against the additional gasoline tax that was enacted by the recent session of the state legislature, increasing the present 2-cent tax to 3 cents.

The referendum is being invoked, according to notice filed with the secretary of state this afternoon by the Oregon Automotive Trade association, of which M. P. Cady of Hillsboro is president, C. H. McGirr of Portland vice president and Ralph H. Stachil of Portland secretary.

The secretary of state is requested to obtain a ballot title for the referendum from the attorney general and to furnish the association

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### ACTRESS TO FIGHT FARRAR ACCUSATIONS

Stella Larrimore, One of Three Co-Respondents to Appear Personally in Divorce Case.

### TELLEGEN REFUSES TO DEFEND HIMSELF

Private Detectives Hired to Trace Husband Tell of Happenings.

NEW YORK, March 23.—Stella Larrimore, the 19 year old actress named as one of the three co-respondents in testimony given by witnesses for Geraldine Farrar in trial of her divorce against Lou Tellegen, will appear personally in the case and prove her innocence of the charges against her, Louis Brodsky, her attorney, declared today.

Private detectives employed by the former Metropolitan Opera star to watch the movements of Tellegen have testified that he spent any hours in her Riverside drive apartment and once stayed all night. They also described a scene on a bench in Riverside drive park after midnight.

Miss Larrimore then was referred to in the testimony as "Miss L."

Sister to Testify. The other young women named as co-respondents were Miss Lorna Ambler, an Australian actress "of striking beauty" who was alleged to have spent a "month of bliss" with Tellegen in a shack facing the sea on Long Island, and a Miss Cliff-Store, Inc., class "A" common stock, was suspended on the New York stock exchange, settled their accounts on the basis of the \$100 offer made by Clarence Saunders, president of the corporation.

Mr. Brodsky appeared before Referee Mahoney at a hearing of the case today and was granted an adjournment of a week in which to study the papers. He declared Miss Larrimore, who is a sister of Francine Larrimore, Broadway star, desired to testify and would answer frankly any questions put to her.

Mr. Brodsky referred to one of the charges against Miss Larrimore as "that 42nd and Broadway bench episode."

No Defense Wanted. "There wasn't any mention made of anything happening at 42nd and Broadway," Samuel Undermyer of counsel for Miss Farrar said.

"Well 11th street and Riverside drive, then," retorted Mr. Brodsky. "What's the difference? There's crowds of people passing both places all the time."

Mr. Brodsky claimed that Miss Larrimore had never been given a chance in the case. Counsel for Miss Farrar knew where Miss Larrimore was but did not

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### STOWAWAYS JUMP FROM MOVING SHIP

Men Become Lost and Almost Lose Lives; Refuse to Answer Questions.

NEW YORK, March 23.—Five men believed to be stowaways jumped from the deck of the steamship Emden when she arrived in quarantine from Hamburg tonight and attempted to swim to shore but became lost after an hour in the murky darkness and finally were reached as their strength was expiring.

Three of the quintet were found far from their goal by a police boat doing its regular patrol and the other two, shrieking wildly for help, were pulled out of the water a short distance from shore by men who happened to be on the docks. The trio in care of the police lapsed into unconsciousness when taken aboard the cutter.

While awaiting an ambulance from Staten Island hospital, an interpreter tried to question the other two men but they refused to answer.

### "HARDBOILED" IS RETURNED BY MOTHER

Paroled Convict Draws Gun on District Attorney Then Locks Him in Jail.

EUGENE, Or., March 23.—Rex Shields, 23, of Junction City, who according to the records in the office of the sheriff here is a paroled convict from the Oregon State penitentiary, this afternoon stole a revolver in the office of the district attorney where he was being questioned in regard to an alleged automobile theft and when Deputy Sheriff Rodney Roach went to lock him up in the county jail he drew the gun on the deputy, locked him up in the corridor of the jail and disappeared down the street. Shields' liberty was short lived. A few minutes afterward his mother brought him back and he was locked up.

### WAR VETERAN FILLS GRAVE

Man Murdered in Herrin Riots Said to Have Been Vet of Many Battles.

MARION, Ill., March 23.—(By The Associated Press.)—The record of a soldier, a veteran of the Somme, St. Mihiel, Meuse and Argonne, who came back from the war only to fill an unmarked grave, was offered in mute evidence by the prosecution in the Herrin riots trial today and then withdrawn after a lengthy legal battle.

Offered to establish beyond all doubt the identity of Antonio Mulkavitch, in connection with whose slaying Hugh Willis, state executive member of the United Mine Workers of America and five others new on trial, the record was contained in a strained, honorable discharge from the army found on the body of the one of the 25 victims of the tragedy.

The defense objected to the exhibit, which showed that Mulkavitch was a former member of the 35th signal corps, 80th division, on the grounds that it had not been proved that it was taken off the body and that if it were taken off another body, it would prove nothing but would bring before the jurors facts which would create prejudice.

Discharge Questioned. Judge D. T. Hartwell remarked that he thought the identity of the victim had been sufficiently proved and that the exhibit was improper if it designed to bolster up the character of the dead man.

George Stone, of the defense, asserted that the name Mulkavitch was spelled in different ways in the discharge and in the indictment and that there was absolutely no evidence of the genuineness of the document.

Judge Hartwell finally ruled that the only thing making the discharge material was the question of identity and that being admitted, there was no materiality to the discharge and that was then withdrawn by the state. The court adjourned until Monday morning, the state indicating that it would rest its case after calling two more witnesses.

### BRANDON FINED AND RELEASED

Portland Man Pleads Guilty to Two Charges in Local Police Court.

John Paul Brandon who was arrested by Chief Walter Birchett late Thursday night at Junction City, following an attempt to get to Eugene via taxi after a wreck with a Salem streetcar, was released yesterday afternoon after being fined \$100 by Judge Martin Poulsen in the police court.

Brandon when arraigned in the municipal court pleaded guilty to two charges, one of driving a car while intoxicated, the other of having intoxicating liquor in his possession. He was fined \$50 on each charge.

### RESIDENTS FLEE IN PANIC AS OVERFLOW MENACES EXISTENCE

SIoux CITY, Ia., March 23.—Sioux City is being inundated late tonight. Residents are fleeing in panic.

Four hundred homes in the Sioux City "bottoms" are menaced as the result of the overflow of the Floyd river. Residents of the bottoms were abandoning their homes at midnight tonight and fleeing to the high ground. The Floyd river, filled with back water from the Missouri river, as the result of the ice gorge at Sargeant Bluffs, Ia., rose three feet since 6 o'clock tonight.

Lower floors of six buildings situated in the district are submerged. Another three foot rise of the river will cause between 36 and 40 residential blocks to be flooded.

Should the gigantic ice gorge that has formed off Brassfield Is land in the Missouri river south of here go out tonight, a wall of water, it is feared, would sweep the lowland for fifty miles on the Nebraska and Iowa shores. There are 2,000 farms in this area, according to a conservative estimate.

Late this afternoon the straining waters scored a brief advantage. They broke a newly formed gorge above the first gorge and swept a titanic mass in a grand assault on the first gorge. There was a clashing of colossal forces and rumblings and crackings.

The first gorge held. The grand battering ram became a reinforcement. Tonight a cold wave is cementing the two masses into one huge iceberg, 10 miles long and apparently impregnable.

The checked waters are spilling their fury over the lowlands, far and wide, while the inhabitants are fleeing to higher ground, many in their haste abandoning all their property.

Great Flood Threatened. Backwater from the Floyd river which late this afternoon overflowed its banks, now covers several residential blocks in Sioux City to the depth of one foot. Police are warning all residents near the Floyd river to be prepared to move.

It is impossible to estimate the territory menaced by the great gorge. If the gorge suddenly breaks and a great wall of water is loosed, it will flood all the lowlands for more than 50 miles south of Sioux City.

Another small gorge at Onawa, Ia., went out late this afternoon, lowering the level of the river at that point two feet. The gorge was located below the big gorge at Sargeant Bluffs.

The water stage of the river at Sioux City at 7 o'clock tonight was 16.4, and at 9 o'clock it was three inches higher, reaching 16.7. It is slowly continuing its rise.

HOMER, Neb., March 23.—Desperate efforts are being made here tonight to dynamite an ice gorge that has formed in Omaha creek and which is threatening this town with a repetition of the disastrous flood of 1920.

The water in the creek rose five feet between 10 and 11 o'clock. Economic loss is reported from lowlands between Homer and Dakota City, Neb., swept by Missouri river flood waters.

At 10 o'clock tonight water from Omaha creek was flooding the cellars of buildings on the main street.

JONAWA, Ia., March 23.—An ice gorge three miles in length, formed four and a half miles south of this city late today. The water has risen to flood level and residents of the bottom are fleeing to safety.

A small gorge which formed directly west of Onawa was dynamited and broken up this afternoon. Officials believe that the gorge south of this city is now too solid to be shattered by explosives. The big gorge is a solid mass of mammoth icebergs.

OMAHA, Neb., March 23.—One thousand head of hogs and 53 head of cattle were swept away by the Missouri flood late this evening in a strip of country between Homer, Neb., and Dakota City, Neb., according to a long distance report to The Associated Press from Homer late tonight.

BLAIR, Neb., March 23.—With a loud report, a huge ice gorge broke here at 9 o'clock tonight and swept down stream. The river, which had risen three feet in an hour prior to the breakup, receded 10 inches.

VERMILLION, S. D., March 23.—An ice gorge has formed in

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### "KEY" OF CULT SAID EVASIVE

"Code of Truth" Shown by Witness to Be Help to Serve Any Emergency.

GRAND RAPIDS, Mich., March 23.—Whether the witnesses representing the defense were presenting their testimony to the "key" introduced as evidence in the present trial of John W. and Margaret Hansel against the Iarealites House of David was one of the inquiries directed to the defense witnesses in the trial here today by Attorney Walter M. Nelson for the plaintiff.

The morning testimony had brought the statement from Mrs. Esther Hansel that she sat on the stand, a perjurer and a liar because of the use of the same instrument during her days as a member of the house. Attorney Nelson wished to know if the same code of truth still prevailed by members of the colony when in gentle courts.

"Key" Is Elastic

In the morning Mrs. Hansel had testified to the preaching of Benjamin Purnell to her that "truth out of season is a lie and that we must answer fools according to their folly."

During the afternoon Mr. Nelson read from the key, directing his reading to Frank Wyland, an officer of the colony.

"But in your answers and this narrative remember the keys; and one is that he calleth those things that be not as though they were. So if your answer to a thing that does not exist, it may exist hereafter; and so can call as if already done."

### FATE OF TWENTY TO BE DECIDED

Nation Wide Confidence Ring Members Case to Go to Jury Today.

DENVER, Colo., March 23.—The fate of 20 alleged members of a nation-wide confidence ring, who have been on trial here for the past 11 weeks, will rest in the hands of the jury tomorrow.

After consulting throughout today with attorneys in the case relative to instructions to be given to the jurors, District Judge George Dunklee late today excused the jury until tomorrow morning.

Indications are that the case will be submitted to the jury without argument by either the prosecution or defense.

The case came to a sudden and dramatic close yesterday afternoon when the defense, after the state had rested, announced that the defense also would rest, and agree to submission of the case to the jurors without argument.

Judge Dunklee will begin his instructions to the jury tomorrow morning immediately upon the convening of court and the probability is that the case will be in the hands of the jury before noon.