

The Oregon Statesman

SEVENTY-FIFTH YEAR

SALEM, OREGON, THURSDAY MORNING, JULY 16, 1925

PRICE FIVE CENTS

TWO GIRLS ARE YET ALIVE, IS BELIEVED

California Officers Say They Will Find Sisters Within 24 Hours

RANCH HAND BEING HELD

Clews Declared Possessed by Authorities; Theory That Girls Have Met With Harm, Scouted

SACRAMENTO, Cal., July 15.—(By Associated Press.)—Possessing clews purporting to show that I. W. Rhodes, now held in jail in Klamath Falls, had abducted Junie and Esther Bradshaw, 14 and 12 year old daughters of A. W. Bradshaw, Tule Lake sheepman, and was holding them prisoners in some out of the way place, Klamath Falls and Modoc county, Cal., officials tonight were putting forth every effort to locate the prison of the two girls.

The nature of the clews, the officers declined to give out, but expressed confidence that the two girls would be found alive within the next 24 hours. The theory that the girls had been harmed or had been killed also was scouted.

Rhodes, who was employed by the girls' father, was arrested in Klamath Falls Monday and has been held in jail here. At first he denied knowledge of the girls' movements or present whereabouts, but later the officers say they obtained information which tended to connect him with their disappearance and present absence.

The girls disappeared from the sheep camp on Lower Tule lake a week ago. Rhodes also is said to have left the camp about the same time, and this fact directed suspicion toward him and his arrest followed.

KLAMATH FALLS, July 15.—While authorities are running down rumors and investigating clues, a determined group of trappers, sheep herders and ranchers left at daybreak to search hidden caverns and caves in an effort to find some trace of Junie and Esther Bradshaw, aged 14 and 12, who disappeared eight days ago under mysterious circumstances.

The little girls had been herding a large flock of sheep for their father, A. W. Bradshaw. Their tent was pitched on a desolate sheep range near the south end of the now dried-up Tule lake. There was no habitation for miles around—only sagebrush and lava rock, coyotes and rattlesnakes.

FOUR PEOPLE SERIOUSLY INJURED IN AUTO CRASH

CHESTER BALL MAY DIE FROM FRACTURED SKULL

Large Seven Passenger Car Crashes Into Freight Train at Crossing

Four persons were severely injured, one possibly fatally, when a large seven-passenger car in which they were riding crashed broadside into a train at the Dalry station near Rickreall. The car was rented from the Terminal Taxi company here, and is said to have been operated by A. McKaven. The car was reduced to matchwood by the impact, and the occupants escaped miraculously. Chester Ball, of Ballston, Oregon, is the man who is injured seriously. It is thought that he has a fractured skull and serious internal injuries. One of the women suffered a broken leg and severe cuts. The other girl was badly cut on the thigh and may have internal injuries.

The wreck occurred about 1:15 Thursday morning.

The train had stopped to switch and was just beginning to start when the automobile struck it.

The machine hit the boxcar at an angle. Members of the train crew stated that the large auto was traveling at an approximate speed of 45 miles an hour. The driver evidently did not see the train until within 10 feet of it and then made a desperate attempt to swerve to one side. The train was moving slightly. The auto was pushed only eight feet before the train was brought to a stop.

The wreck was investigated by Sheriff Hooker of Polk county. When it was found that Salem people were involved, Officers Olson and Victor of the Salem department related the accident. The injured people were brought to local hospitals by the Golden ambulance of Salem and a Dallas ambulance.

No information was available from the Salem hospital.

PIERCE APPOINTMENTS OF SENATORS ILLEGAL

BEALS AND GARLAND CANNOT BE COMMISSIONERS

Opinion From Attorney General Rules Two Legislative Positions Are Held

Neither State Senators Arthur G. Beals, of Tillamook county, nor Sam M. Garland, of Linn county, can hold their appointments as members of the fish commission as long as they are members of the legislature, according to an opinion by Attorney General I. H. Van Winkle. While the opinion was in answer to a question raised by Secretary of State Sam A. Koser as to the status of Senator Beals, it also applies to Senator Garland.

The statute forbidding the holding of two lucrative state offices at the same time, notwithstanding their meagerness, is cited in the opinion. The attorney general also calls attention to the question involved in the present case, was passed upon by the supreme court several years ago in the case of Gibson vs. Kay.

As members of the fish commission, each Senator is entitled to \$5 a day salary while on official duty but the compensation must not exceed \$200 any one year.

Governor Pierce refused to comment upon the opinion and will await action by Senator Beals before he makes another move. The two senators were appointed to the commission about two months ago. Beals to succeed Fred C. Kendall and Garland to succeed John Veach.

TAGGED FISH IS CAUGHT

ATTEMPT MADE TO DETERMINE HABITS OF FOOD FISH

SEATTLE, July 15.—(By Associated Press.)—The first halibut, tagged by the international fish commission in connection with a study of the habits of the fish, has been caught by a fisherman of the Seattle schooner Kodiak, off Atli head, southeast of the Queen Charlotte islands in the North Pacific ocean. It was learned here today. Fastened to the halibut was a metal tag bearing the inscription: "FIC No. 520." The Kodiak arrived here yesterday.

Halibut are caught by representatives of the international fish commission, tagged and then released in an effort to learn of their migrations and the banks they frequent. The tag is to be sent to the fish commission. The fisherman who caught the halibut is to be given a \$1 reward.

GENERAL EXODUS TODAY

BUSINESS FIRMS CLOSE FOR ELKS' CELEBRATION

Salem will present a desolate appearance today, for there is a general exodus to Portland for the national Elks' parade. The Salem lodge is sending 400 uniformed marchers, together with the band and American Legion drum corps.

Business will be at a standstill for even the banks are closing. Little state affairs will be transacted at the capitol for the heads of all departments are to be absent, leaving only sufficient help in the offices to look after routine affairs. Several of the offices will be entirely closed and no pretense made of attending to business.

The Salem library will be closed all day. The Willamette Grocery company is host to retail clerks with a big picnic at Stayton. The caravan will leave at 9 o'clock this morning.

AID ASKED FOR NATIVES

FLU EPIDEMIC THREATENS TO WIPE OUT VILLAGE

SEATTLE, July 15.—(By Associated Press.)—Subscriptions of food and money will be asked of Seattle citizens to aid natives of the Bristol Bay region in Alaska, north of the Aleutian islands, where eight persons are reported to have died from influenza, it was announced today.

A message from Bishop T. T. Rowe of the Protestant Episcopal diocese of Alaska, to A. H. Horton here, said that the epidemic was sweeping Fort Yukon and that more than 200 cases of influenza had been reported there. Fort Yukon is on the Yukon river at the Arctic circle. Nurses and medical relief are to be sent there.

NEW CLASH REPORTED

PEKING, July 16.—(By Associated Press.)—Civil war has broken out in the province of Szechuan, where the governor, General Yang Sen, in attacking rival generals near Chungking.

Hunan forces have entered the province of Shensi and are advancing on Sianfu.

McCLINTOCK WILL PROBATION ARGUED

Counsel for Relatives Rest Case; Shepherd Does Not Take Stand

CASE TO BE APPEALED

Acquitted Defendant in Poison Trial Willing to Have Administrator Named Until Decision

CHICAGO, July 15.—(By Associated Press.)—The fight to keep from probate the will of William N. McClintock, millionaire orphan, leaving his million dollar estate to William D. Shepherd, his foster father, apparently ended today.

The apparent termination of the fight as far as probate of the instrument is concerned, came when attorneys for McClintock's nine Iowa cousins who are contesting the will, refused to question Shepherd within the limits defined by Probate Judge Horner, and to all appearances set their case at rest.

The case was continued until Friday morning, but unless there are new developments, it is said in court circles that the will would be admitted to probate at that time.

Attorneys for the cousins spent all afternoon arguing and citing cases as to why they should be allowed to question Shepherd on the matter of undue influence. They particularly stressed the fact that Shepherd named as principal beneficiary had drawn the will himself.

Judge Horner ruled he will allow only such examination as had to do with the facts and circumstances brought out by the attorneys to the will.

Shepherd finally was called, but before he could testify, his attorney said:

"I have authorized Mr. Shepherd to say that if the will is admitted to probate, he is willing that an administrator be appointed to take charge of the estate until the final decision by the supreme court."

FAMOUS ACTRESS DEAD

CARRIE WYATT PASSES IN SEATTLE AT AGE OF 70

SEATTLE, July 15.—(By Associated Press.)—Mrs. Charles Eugene Banks, who as Carrie Wyatt attained theatrical fame in the latter part of the last century died here today, 70 years old. She was leading woman with Robert Mantel in Shakespearean roles in San Francisco when she met her future husband, a dramatic critic, author and poet.

JURY IS UNABLE TO REACH AN AGREEMENT

NEW TRIAL IN MT. ANGEL STILL CASE ORDERED

Jury Room Sweltering and Heat Proves Too Great; Decision Stood 7 to 5

Unable to reach a decision after arguing for seven hours in a sweltering jury room, the twelve jurors in the case of Lester Dixon, Henry Johnson and John Andrews, arrested in connection with the Mt. Angel still, were dismissed by Circuit Judge Percy R. Kelly at 6:30 o'clock Wednesday evening. The jury had debated since 11:30 in the morning. A new trial will be held on Monday, July 27, at 10 o'clock.

The action of the jury came as a surprise. Joe Walker, owner of the property on which the still was found, was convicted by a jury, some members of which were on the present panel, in 20 minutes. The three defendants in the trial just closed were charged with the manufacture of liquor. Walker was tried for possession of a still.

No testimony was taken yesterday, as both sides had closed on Tuesday night. After a summing up of arguments the state turned the case over to the jury at 11:30, the defense not offering a rebuttal. At 1:30 o'clock the jury adjourned for lunch, returned, and debated the issue until 6:30.

Although it was brought out by the state that the three men involved were standing by the still house at the time of their arrest, no evidence was given to show that they were connected directly with the manufacture of the liquor found in the granary which housed the plant. It was shown, however, that the men were familiar with the operation of the still, for when one of the state officers entered the building after the arrest and found the plant in operation, he suggested that it be turned off. This was done by one of the defendants.

The jury stood 7 to 5 for conviction, it is understood.

NUISANCE TAXES RAPPED

ELIMINATION OF MISCELLANEOUS ASSESSMENTS ASKED

WASHINGTON, July 15.—(By Associated Press.)—Exemption from federal taxation of incomes of \$5,000 or less, and the abolition of all so-called nuisance taxes was urged by Representative John W. Summers of Washington in a statement today. Elimination of miscellaneous taxes, he said, would result in a direct saving of \$170,000,000 annually to taxpayers. Mr. Summers also would reduce surtaxes, but was not prepared to suggest a maximum figure. As a member of the house appropriations committee he said the administration will be given full cooperation in keeping down expenses and furthering tax reduction.

SUICIDE IS PREVENTED

FIREMAN HOLDS MAN PREPARING FOR PLUNGE

SEATTLE, July 15.—(By Associated Press.)—Overpowered by a city fireman as he was about to jump from the roof of a 10-story building here today, Ben Farrell, 30, who said he was a farmer of eastern Washington, was prevented from taking his life. He was held in jail.

Police expressed a belief that Farrell was suffering from mental trouble and was influenced by the suicide of John H. McIntosh, manager of the federated industries of Washington, who jumped from the ninth floor of a Seattle building yesterday. Farrell said he had been drinking.

The fireman grabbed the man while making an inspection of the roof of the building.

RECORD CROWD ATTENDS JEAN WEBSTER'S PLAY

TENT IS OVERFLOWING FOR "DADDY LONG LEGS"

Maupin Singing Band Is Fitting Close for Chautauqua Season Today

PROGRAM FOR TODAY
Concert—Maupin's Singing Band.
Concert—Maupin's Singing Band.
Band Day

By AUDRED BUNCH
Chautauqua's record crowd gathered last night for a finely sustained presentation of Jean Webster's "Daddy Long Legs," many keeping places outside the tent even, for the entire four acts. A story of wide appeal, the play was an abounding success, laughter and tears bordering many, many times. In synopsis, the play tells the story of Judy, a pretty little drudge in a New England orphanage, who by a visiting trustee was given her chance. Her odd benefactor she gives the curious name of "Daddy Long Legs," who becomes the hero in particularly charming romance. It is said that the presentation of this play on Chautauqua circuits has had a singularly favorable influence in promoting numbers of successful adoptions. The locale shifts from the dining room of the John Greer home to Judy's college study, thence to Lock Willow farm, and finally to Mr. Pendleton's library.

The part of the caustic Mrs. Lippet was taken by Jeanne Chandler, Miss Chandler doubling for it every much counter part of Julia Chandler in the later scenes. Margaret Byers was unmentionedly rough as Freddy, while Lawrence Johns played with striking fidelity to one's imagination picture, the diverting double part of Jervis Pendleton, alias John

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RAIL HEARING IS SET

W. V. S. APPEARS BEFORE COMMISSION ON JULY 30

Two railroads are affected by orders of the public service commission. The first of these sets July 30, at Mt. Angel, for hearing with the Willamette Valley Southern railroad which is seeking to abandon its line between Kaylor and Mt. Angel.

The second orders W. S. Barium to discontinue dismantling operations on the line between Jacksonville and Medford until a hearing is held. The order was issued upon complaint of the Jacksonville chamber of commerce.

HARRIS WILL NOT RUN

EUGENE JUDGE WILL NOT SEEK SENATE ELECTION

PORTLAND, July 15.—Judge Lawrence T. Harris of Eugene formally announced today that he would not be a candidate for the United States senate in the primary election next spring, when Robert N. Stanfield, present junior, will seek re-nomination.

"I have given the matter careful consideration for some time," said the ex-justice of the state supreme court, "and I cannot see my way clear at the present time to be a candidate for the United States senate or for any other office."

Judge Harris indicated that after 19 years of public service he saw the necessity of getting up a private practice in order to provide a competence for later years of his life.

CHANNEL SWIM STARTED

BOULOGNE, France, July 15.—(By Associated Press.)—Miss Lillian Harrison, Argentine swimmer, began her attempt to swim the English channel this morning, entering the water at Cape Gris-Nez at 4:35 a.m.

MONTANA AND IDAHO FOREST FIRESWEPT

Millions of Acres of Timber Land Threatened by Severe Forest Fire

BLAZES SPREAD RAPIDLY

Hot, Dry Weather and Wind Conspire to Menace Two States; Plea for Help Made by Rangers

MISSOULA, Mont., July 15.—The Kootenai, Kaniksu and Pend Oreille forests in western Montana and northern Idaho are being swept by scores of dangerous fires that are threatening ranches and towns. The situation is the most menacing in recent years, according to information received at district headquarters here today. The hot, dry weather of the past five days has put the forests in a tinder-like condition so that with the least wind small fires grow rapidly.

Fires today made terrific headway in several localities, most of them being crown fires and defying the efforts of several hundred men to stop their advance. Rangers and officials are being transferred from many other sections to the danger area to assist in combatting the blazes.

Other fires are burning in the Custer forest, in eastern Montana, which thus far has been considered practically "fireproof."

In the Kaniksu forest, along the Idaho-Washington northern boundary, 50 fires are burning. One has a front of three miles and already has burned over 300 acres.

A fire in the Pend Oreille forest, to the east of the Kaniksu, in Idaho, has burned over 2,000 acres and is the largest fire in the district.

The Granite creek fire, in the Kootenai forest south of Libby, Mont., has again jumped control lines and has burned over 900 acres, according to the last report received tonight.

Fires, most of them caused from recent lightning storms, have been reported in practically every section of district No. 1.

SENTENCE IS CONFIRMED

SAILOR GUILTY OF MANSLAUGHTER; GIRL KILLED

OLYMPIA, July 15.—(Associated Press.)—Conviction of G. W. Nicholes, a sailor in the United States navy, of manslaughter in connection with the death of Minnie Fiem on Stadium Way, Tacoma, in the early morning of August 23, 1924, was affirmed today by the supreme court. The reviewing court, however, referred the case back to the Pierce county court in order that the wording of the sentence might be made to conform with statutory provisions. While the statute specifically provides for a sentence of "not more than 10 years" for manslaughter, the trial court made the sentence read "from 15 to 20 years" a technical error which did not warrant granting a new trial. It was held.

Minnie Fiem's death followed a chance acquaintance which she and a girl companion picked up with two sailors at a public dance court records show. The jury found that the girl's death resulted from a blow on the chin dealt by Nicholes in a struggle with her. The girl's neck was broken.

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UNION WORKERS CLASH

DISPUTE OVER POLITICS IS WAGED IN ASSEMBLY

ABERDEEN, Wash., July 15.—A brisk battle over the credentials of Martin J. Flyzik, state supervisor of safety, as a delegate from the United Mine Workers union, and re-dedicated to a fight for the ratification of the national child labor amendment, were outstanding high lights of today's sessions of the Washington State Federation of Labor convention. Flyzik was bitterly denounced by Miss Alice Lord, chairman of the credentials committee, for having supported Governor Hartley for governor instead of Edward Clifford, endorsed by the 1924 convention of the federation. Miss Lord declared that he had sold himself for office, but H. J. Alsop, a delegate of the United Mine Workers, declared that the federation had no right to govern the political action of any member, or to bar any delegate because of his political affiliation. Flyzik withdrew his own credentials because of a technical objection that he is not now an active member of the Mine Workers' union.

SCOPES IS NOW TIRED OF BEING CENTER OF STORM

DEPENDANT IN "ARET" TRIAL SICK OF ROLE OF MARTYR

Biology Teacher Is Frowned on Streets; Reporters Expressing Pity

By CLARK KINNARD
Central Press Staff Correspondent

DAYTON, Tenn., July 15.—John Thomas Scopes is sick of it all. He wishes the trial was over. He is tired of the role of martyr. Each day adds to his discomfort. Reporters, often called stony hearted, are beginning to pity him.

Some times Scopes must grieve men on trial for murder. When court adjourns they have a nice, lonely cell to go back to, and solitude in which to bathe their souls and nerves. Scopes is free to go where he likes. But there is no place he can go for space. He wanders in the streets, stared at or pursued.

His temper is short. His attorneys appear to be vexed with him at times. Naturally, all this excitement has changed him in some respects. He is accused of being "up stage." This is not true. In spite of these changes, he still is John Thomas Scopes, high school teacher, uncomfortably playing a role quite beyond his histrionic capabilities.

He lives in the Bailey boarding house, in Market street, two blocks from the courthouse. He rented the room when he came to Dayton in late August, 1924, fresh from a university. It is on the second floor and its triple-framed window looks out through oak and maples at the courthouse tower. The room contains an iron bed, a washstand and his trunk. He keeps his clothes in a closet. The closet is in disarray. There is no table in the room. There was one, but he told his landlady that she could put it in another room, for someone else might need it more. He reads his now voluminous mail sitting on the bed, which sinks down a foot or more with the weight of his body, and puts his body in an uncomfortable position. No books are in sight in the room.

The bathroom is on the first floor, and likely as not, when he comes out after his morning dousing, he finds reporters barring his way to the stairway. He objects to the intrusion. Later the same reporters meet him on the street and he speaks to them as pleasantly as he speaks to anyone else.

John T. Scopes hasn't had a "regular girl" in Dayton. In the last two months he has been seen frequently with Mildred Taylor, a

(Continued on page 2)

SCIENTIST WITNESS IN EVOLUTION CASE

Testimony of Zoology Professor Is Offered in Trial of Thomas Scopes

DAYTON, Tenn., July 15.—(By the Associated Press.)—Argument as to the competency of scientific testimony in the case of John T. Scopes, accused of violating the state anti-evolution law, will be made in the court room here tomorrow. The state had rested its case and one scientific witness, Dr. Maynard M. Metcalf, former professor of zoology at Oberlin college, Ohio, was on the witness stand for the defense when court adjourned late today.

His testimony, however, has not been made a part of the record for prosecution attorneys voiced objection when questions concerning evolution were asked him and the jury retired.

Defense attorneys then were permitted to ask Dr. Metcalf questions concerning the subjects he has made his life study.

When his examination has been completed the attorneys will argue the competency of such testimony. This was expected tomorrow. Whether the court would give his decision at once or defer it to a later court day, was not known. Judge John T. Raulston said tonight he has abandoned his practice of answering questions.

Dr. Metcalf's testimony will be heard in the absence of the jury as a test to show the line above which the defense hopes to proceed, to which emphatic objection is made by the state. Every indication pointed to a hard fight before the court on the question.

The defense hopes to prove by Dr. Metcalf and other scientific scholars there is no conflict between evolution theories and Christianity. One of the questions asked the witness this afternoon concerned his church affiliations. He testified he is now a member of the Congregational church, and formerly was a member of the Presbyterian church. He has taught two Bible classes, he said.

The case moved rapidly after reaching the stage of actual testimony. The first witness took his place on the stand at the second session of the fourth court day. The more or less neglected jury was brought into the court room after an extended period of exclusion. A plea of "not guilty" was entered for Scopes by one of his attorneys, the jury was sworn and at last was actually a part of the case.

The jurymen heard Walter White, superintendent of schools, two school boy students of Scopes, and F. E. Robinson, chairman of the board of education, testify for the state. They saw "a civic biology" by George W. Hunter, and a Bible introduced in evidence. The state rested and the defense called Dr. Metcalf as its first witness. No objection came from Attorney General A. T. Stewart as the witness was led through a detailed account of his scientific activities.

At the first mention of "evolution" objection came from the state as to the admissibility of such testimony. It was finally agreed to exclude (Continued on page 3)

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OIL CASE IS APPEALED

DOHENY'S TRANSFER TRIAL TO HIGHER COURT

LOS ANGELES, July 15.—(By Associated Press.)—The government's fight for cancellation of leases of the Doherty oil interests in the Elk Hills naval oil reserve, Kern county, California, was today transferred to the United States circuit court of appeals, District Judge Paul J. McCormick, who recently denied the trial in favor of the government, granted the motion of the Doherty company for an appeal, fixing appeal bonds at \$350,000, while the government filed a petition for a cross appeal.

By order of the trial court all records of the case were ordered to the appeal court.

The government's main objection in the petition for cross appeal centered on the order of the court that the Doherty interests "should be paid and allowed credits for money which they have actually expended in the construction of storage facilities for crude oil products at Pearl Harbor, Hawaii, under the alleged agreements of April and December, 1922."

