

The Oregon Statesman

SEVENTY-FIFTH YEAR

SALEM, OREGON, WEDNESDAY MORNING, OCTOBER 7, 1925

PRICE FIVE CENTS

MURDER TESTIMONY DECLARED PAID FOR

Alan Bynon, U. S. Attorney in Portland, charged by Kelso Officials

\$5000 SAID DEMANDED

Cowlitz County Officials Declare "Held Them Up" Before Turning Over His Evidence

PORLAND, Oct. 6.—The statement of the Cowlitz county commissioners that they were "held up" for information which resulted in the present advancement of the murder case at Kelso was "preposterous". Alan Bynon, assistant United States attorney declared today in answer to the report from Kelso made by the commissioners.

C. H. Hill is a friend of mine and has also been one of my clients. The federal government does not prohibit me serving as district attorneys or assistants from maintaining private connections and I have had a private office for some time."

KELSO, Wash., Oct. 6.—(By Associated Press)—Charges that Alan Bynon, assistant United States attorney for Oregon attempted to force Cowlitz county officials to pay \$5000 for the information that led to the solution of the Dovery murder case were made here today by Washington state and county officials.

The county commissioners of Cowlitz county signed an agreement, in Mr. Bynon's office in the federal building at Portland to pay C. G. Hill, Portland automobile salesman and client of Bynon, the sum of \$5000 for the murder evidence. Declaring that they were "held up" and practically forced to sign the agreement, the commissioners today publicly repudiated the document.

Bynon, according to advices from Portland admitted the transaction and claimed that he was not acting as federal official, but as private attorney for Hill.

Full details of the transaction with Bynon were made public at a meeting of the county commissioners. At the request of newspapermen, Assistant Attorney General Sharpe and Sheriff Clarke Studebaker recounted all of the details of their bargaining with Bynon and produced copies of the agreement and of letters written by the federal official.

The contract, according to Mr. Sharpe, is not worth the paper it is written on in that it was signed by the three commissioners, as public officials and Washington law does not allow boards of county commissioners to transact business away from the county seat, much less out of the state.

Frank Hart said to be another iterant prize fight promoter was named as the other suspect in the Dovery case today and a warrant was issued for his arrest. Hart's whereabouts is unknown but a circular bearing his description is now being prepared.

The dismissal of the murder charge which A. Ruric Todd, deposed mayor of Kelso had filed against City Engineer George Morris was temporarily held up today by Mr. Todd. The state's attorney had promised yesterday that he would drop the Morris charge, but after a consultation with Todd today temporarily withheld action.

BUYS PEPPERMINT OIL

SMALL FORTUNE PAID FOR LABISH FARM CROP

H. M. Todd of Eugene, coast representative of the H. M. Todd company of Kalamazoo, Mich., who was in Salem Monday for the purpose of buying oil, believes that the peak has been reached in the peppermint oil market. And although he does not believe that the price will be any higher, he does not believe there will be a decline in the near future.

For 2100 pounds of oil from the Hartley and Craig crop in the Lake Labish country, Mr. Todd paid \$25,000. Mr. Todd introduced the growing of mint into the Willamette valley, and predicts that it will not be long before the mint oil industry in the United States will be removed to the Willamette valley. About 5000 acres will be grown with mint in this valley next year, according to Mr. Todd.

KODAK MAN VISITS

SEATTLE, Oct. 6.—With motion picture films of Alaskan mountain goat and bear, George D. Eastman of Rochester, N. Y., arrived here today from a six weeks' vacation trip in the mountains of Alaska.

SPEED FEATURES TRIAL OF LLOYD AT DALLAS

TESTIMONY OF WITNESSES IS TAKEN BY STATE

Several Called to Stand Tuesday; Accused Man Appears Little Concerned

DALLAS, Ore., Oct. 5—Speed features the trial of W. R. Lloyd, ex-convict charged with the murder of C. I. Baum, independence taxi driver the night of September 1, for 24 hours after the case was brought into court the jury box was filled and before court adjourned for the day the state was nearly half-way through the direct questioning of witnesses.

Those testifying today included Irvin Baum, brother of the slain man; Frank Richards, of Albany, Lincoln county sheriff who found the murdered man's body; Mrs. J. E. Lucas, from whose home the word of the crime was telephoned to Dallas and Independence; Sheriff Hooker, of Dallas, who with A. L. Keeney, county coroner, were among the first to reach the scene; C. H. Hoy, who was with Sheriff Richards when the body was discovered; Nelson Anderson, who lives near Mrs. Lucas. Other witnesses to be examined are Francis Galloway, Wasco district attorney who took Lloyd's confession following his capture at The Dalles, and Special Agents Kelly and McCloskey, who made the arrest in the railroad yards.

Lloyd appeared unconcerned in the proceedings but closely followed the examination of the jurors. His demeanor was little changed from his first appearance in Dallas after his arrest in eastern Oregon.

J. N. Halgerson, district attorney, is demanding the death penalty.

OFFICER'S CAR STOLEN

NICHOLS IS ON LOOKOUT FOR MISSING ROADSTER

O. O. Nichols, state traffic officer, was wandering around absolutely lost last night and beginning rides from friends as he continued a fruitless search for his missing Buick roadster, which he reported to the police yesterday as stolen from Winter and Ferry Monday night. At midnight the police had not received word that it had been recovered. The machine bore the license number 5146.

Officer Nichols admits that he has been on the lookout for many a stolen car while on duty but since his own particular vehicle is listed among the missing he promises that automobile thieves had better keep clear of his path in the future.

TAX FIGURES ARE GIVEN

DATA ON INCOME TAX RECEIPTS SUBMITTED

WASHINGTON, Oct. 6.—(By Associated Press)—Completing its study of the 1923 income of American taxpayers, the bureau of internal revenue announced yesterday that 7,698,321 individuals and 398,933 corporations had filed returns for the year, the individuals contributing \$633,651,505 and the corporations \$937,106,792 toward support of the government.

Preliminary figures on these returns previously had been made public, but the announcement tonight covered complete income statistics showing that receipts from these sources for 1923 represented a decrease of \$197,405,803 from individuals, but an increase of \$153,330,530 from corporations over the preceding year. The number of individual taxpayers increased from 1922 to 1923 by 910,840, and the number of corporations filing returns advanced 16,050.

Taxable income of individuals was placed by the bureau at \$24,840,137,364, an increase of \$3,503,924,834 over 1922.

WHALE IMPERILS CRAFT

SMALL BOAT TOWED 70 MILES THROUGH ROCKY REEFS

CORDOVA, Alaska, Oct. 6.—(By Associated Press)—Being towed 70 miles through rock-strewn waters at night by a harpooned whale was the experience related by Captain Louis Lane of the whaler Gunnar, who arrived here today on his way south.

The mammal was harpooned in Prince William Sound, north of here, and towed the Gunnar which is operated by three men and is said to be the smallest independent unit whaler in the world, 20½ hours before tiring out. The whale broke away three times during the pursuit, but was harpooned again.

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RACIAL HATRED AND BIGOTRY IS FLAYED

TESTIMONY OF WITNESSES IS TAKEN BY STATE

President Coolidge, in Legion Address, Makes Plea for Lasting Peace

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Hundreds of Members of American Legion Greeted by Executive; Racial Strife Is Attacked

OMAHA, Neb., Oct. 6.—(By Associated Press)—Appealing to America to take the lead in prevention of war, President Coolidge declared here today that there can be no assurance of lasting peace until racial hatreds are supplanted by international good will and tolerance. His plea was made before the American legion "convention" where he was cheered repeatedly as he read a carefully prepared speech.

An ovation was accorded the president during a crowded 10-hour session here which was climaxed by a review of thousands of world war veterans. Four two hours he watched the parade, protected somewhat by a covered stand from a chilly wind and the marchers were still filing by when he made a hurried departure to board a train for Washington.

During his convention address which was heard by more than 7,000 men and women, crowded into the municipal auditorium, the president sought to emphasize his remarks, particularly so when he deplored the wave of religious intolerance which he said had swept the country and when he declared that in preparing the nation for emergencies, military power must be subordinated to civil authority.

"Divine providence has not bestowed upon any race a monopoly of patriotism and character," asserted Mr. Coolidge, recalling that during the war "no man's patriotism was impugned or service questioned because of his racial origin, his political opinion or his religious convictions."

"Thanks to our comparative isolation," continued the president, we have known less of international friction and rivalries than some

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EMBEZZLER IS FINED

MEDFORD, Ore., Oct. 6.—(By Associated Press)—When the annual term of the United States district court for southern Oregon convened here this afternoon, with Judge Charles E. Wolverton presiding, Charles E. Ermer, charged with the embezzlement of postal funds from the postoffice at Lakeview, Ore., changed his plea of not guilty and was fined \$500.

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FORCED DOWN FOUR TIMES, PB-1 IS NOW IN PORT

SEATTLE, Oct. 6.—(By Associated Press)—Distress signals received here early today from an unidentified vessel in the Pacific ocean were sent unintentionally by some member of the crew of the lightship Umatilla while he was tinkering with the ship's apparatus in the absence of the operator, it was reported tonight by the Seattle harbor radio station.

The plane's flight today from Port Angeles to Sand Point, a distance of seventy miles, took an hour because of heavy fog.

The plane is to be remodeled here.

SPECIAL ELECTION VETO FOUND CONSTITUTIONAL

GOVERNOR ACTED WITHIN RIGHTS SAYS OPINION

L. L. Swan, Linn County Representative, Loses His Mandamus Proceedings

When Governor Walter M. Pierce vetoed an act of the last legislature providing for a special election and an appropriation to cover the necessary expenses of the same he acted within his constitutional rights, according to a decision handed down in the supreme court Tuesday, written by Justice Brown.

The case was brought by L. L. Swan, of Albany, Linn county representative to the legislature, against Secretary of State Kozer, seeking to compel him to carry out the provisions of the act notwithstanding the veto. It was an original proceeding in mandamus and the decision sustains a demurrer to the alternative writ.

"An examination of the bill itself," the opinion reads, "shows that it was a proposed law. It was treated by the legislative assembly as a proposed law. Likewise, the governor deemed it to be a bill for an act and he but exercised his constitutional prerogative when he vetoed it. It has all the component parts of a proposed statute. Every section contained therein was contemplated by the legislative assembly to be a section of a proposed statute.

"In disapproving that measure the chief executive exercised a power vested in him by the constitution."

Other opinions handed down Tuesday were:

Lewis Pankey, appellant, vs National Security Co., appeal from Klamath county. Suit to recover money. Opinion by Justice Rand. Judge A. L. Leavitt affirmed.

Olive A. Squires, appellant, vs Isaac J. Squires, et al. Appeal from Yamhill county. Suit for divorce. Opinion by the court. Judge H. H. Belt affirmed.

Thomas Roesser vs Lulu B. Roesser, appellant. Appeal from Columbia county. Suit for divorce. Opinion by Justice Burnett. Judge J. A. Eakin affirmed.

Petition for rehearing denied in Cale vs Canadian Bank of Commerce. Petition for further opinion denied in Wallace vs American Life Insurance Co.

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PLANE REACHES HARBOR

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STAGE IS ALL SET FOR SERIES OPENING TODAY

CLASSIC FIGHT TO BE WAGED ON PITTSBURGH FIELD

Odds Are Declared to Favor Washington Slightly in Opening Game

PITTSBURGH, Oct. 6.—(By Associated Press)—A battle that promises to add a spectacular chapter to the history of baseball's championship conflicts starts tomorrow with the Washington Senators, heroic champions of 1924, defending their laurels against the onslaught of Pittsburgh's new National league title holders, a fighting array which hopes to regain the glory that was this city's sixteen years ago.

Unless all signs fail, it will be as closely waged a struggle as was the championship series last fall with Washington's great defensive club, led by Buck Harris and Walter Johnson, pitting its experience and steadiness against the youthfully inspired and brilliant attack of Bill McKechnie's Pirate crew.

Johnson, dramatic pitching figure of the world's champions, will pick up for the Senators where he left off victoriously in the final game of last season's battle with the Giants. His opponent in all probability will be Lee Meadows, veteran be-spectacled right hander and mainstay of the Pittsburgh staff. Both have been through many a league struggle, although Meadows has had no world's series experience and both are ready to put forth their best efforts.

Mr. Long was followed on the stand by J. P. Hennessy, manager of the Bend plant of the Shenvil-Hixon Lumber company at Bend, who told a similar story of his company's plans. It was anxious he said, to transfer a big pine mill that had cut out its timber in the lake states to the Klamath basin. It was not willing to make definite plans until the Oregon trunk reaches Klamath Lake. Without this needed outlet to our established markets in the northern states, we will not go ahead with development.

Mr. Long spoke for a company that holds 330,000 acres in the Klamath basin, with perhaps 25,000 acres of non-timbered land in the total. For fifty miles the land stretches along the edge of the government forest reserve. The Weyerhaeuser company proposes, it was testified, not only to cut out its own timber, but to make heavy purchases of forest reserve stumps as well. It owns, it was estimated, 4,500,000,000 feet, chiefly pine, in the country tributary to Klamath Falls.

Mr. Long, one of the original incorporators of the Weyerhaeuser Timber company told of his company being interested in Klamath timber, back in 1905. A small mill on the Klamath river, together with a logging road up toward Klamath Falls was bought. Mr. Long said he tried to sell the road to E. E. Calvin, then vice president and general manager of the Southern Pacific company.

Mr. Calvin told him then of the plans of Mr. Harriman for a road from Eugene across the Cascades to Klamath Falls. He told him also it was confidential information and he was not to divulge it. He said, too, Mr. Harriman, although a Wall street operator, had a remarkable sense of practical economics of railroading and that a route across the state from Ontario to Odell would be built by the Union Pacific to connect with the projected Southern Pacific road at Odell.

"He told me not to tell this and now I have gone and done it," said the witness. "I did not tell anyone at that time, but I went

TIMBER FIRMS ASK FOR ANOTHER ROAD

WIFE OF RETIRED SEA CAPTAIN IN HOSPITAL

Largest Lumber Company in World Takes Stand for Oregon Trunk Line

R. N. Clark, 50, retired sea captain and district manager for the Missouri Paint & Varnish company of Portland, was killed and his wife slightly injured when their Packard roadster skidded on the wet pavement about ten miles south of Salem on the Pacific highway early Tuesday morning. Mrs. Clark is at the Deaconess hospital suffering from shock.

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There were no witnesses to the accident and passing motorists brought word of the accident to Salem. The Golden ambulance brought the injured woman to the hospital while the body of Clark was taken in charge by Lloyd T. Rigdon, county coroner.

Officers who investigated the accident declared that the machine had been traveling at a high rate of speed and apparently skidded on a turn. The machine crashed into a bank and turned over. Mr. Clark was killed almost instantly, being pinned beneath the overturned machine and crushed by the steering wheel.

Mr. and Mrs. Clark made their home at the Almira apartments in Portland for the last three years. His business address was the Porter building. A card found in his effects indicates that he was a member of Portland Lodge No. 14