

The Oregon Statesman

SEVENTY-FIFTH YEAR

SALEM, OREGON, WEDNESDAY MORNING, FEBRUARY 17, 1926

PRICE FIVE CENTS

9 CONVICTS SHOT IN RIOT

YOUTHS SMOKE SUPPLY ENDED

Crusade to Bar Selling of Cigarettes to Minors Opens With Fines

POLICE MAINTAIN VIGIL

Five Pay Fines When Brought Into Court; Chief Declares Order Will Be Backed Up In Force

As proof that a definite crusade against those who sell cigarettes to minors, forecast last week by this paper, has been launched, and launched with a gusto, five dealers were yesterday fined \$10 each for selling cigarettes to minors.

Time after time members of the city police force have warned various dealers in the city that they must not sell cigarettes to minors. In spite of the warning, some of the dealers, it is claimed, continued the practice.

The arrest recently of a boy of high school age for smoking led to the information that he "could get mine any place in the city."

Chief of Police Frank Minto accepted the challenge. As a result of his quick follow-up of the boy's statement, complaints were filed Monday against the five dealers involved. The boy, it is claimed, had no difficulty in buying cigarettes from them.

When their cases came up in city court yesterday, not one of the dealers escaped sentence. Those fined for selling to minors are:

Fred Davenport of the Kappahann confectionery near the Oregon theatre; E. Roumaine of the Roumaine and Long pool hall next to the White House restaurant; W. L. Royal of the Central cigar store; T. W. Davies of Davies' Shack, near the rooms of the Salem chamber of commerce; and A. W. Fish.

In back of this crusade against the dealers who sell to minors is sensed the revelation made at the last meeting of the Salem Ministerial association that boys in the high school and others not yet 21 years old are smoking with no attempt at secrecy.

Since the complaints were filed against the five dealers accused of selling cigarettes to minors, opinion has spread that the crusade is but temporary, that the dealers are paying little more than "license money," and that as soon as the fervor dies down, the minors will continue to "get theirs regularly."

To this Mayor J. B. Giesy declares: "Dealers may be well assured that this matter is to be watched closely. Chief Minto has issued orders that all dealers caught indulging in the practice be apprehended immediately."

"Furthermore, it might be of (Continued on page 5.)

EDWARD B. KEENE DIES

PROMINENT BUSINESS MAN VICTIM OF HEART DISEASE

Edward B. Keene, for over thirty years a resident of Salem and one of the owners of the Salem Hardware company, died at his home, 224 Division street, last night at 8:30 o'clock. He had been ill for less than a week. Mr. Keene was 58 years of age. His death was caused by heart disease.

Mr. Keene had been associated with the Salem Hardware company here for several years and had property in various parts of the city. He was a member of the Elks and Modern Woodmen lodges.

Prison Plant Inspected Just Before Fire, Riot

Delegation Headed by Officials, Makes Tour of Penitentiary Flax Industry; Farmers From North End of County Interested in Growing Flax

Representative farmers from the north end of Marion county came to Salem yesterday, to look over the penitentiary flax plant, and they also visited the Miles linen mill and saw it in operation, after having been shown through the prison plant.

The delegation arrived at 11, and were shown through the operations outside of the wall before noon. They took dinner at the dining room of the guards, and after that were shown through the plant inside the walls.

Everything was in working order—apparently peaceful. The men from the north end are thinking of growing a considerable acreage of flax this year, with a view to building a retting plant, and perhaps a scutching plant, next year.

The growers were well pleased, and there is no doubt but they will carry their plans through.

They were astonished at the extent of the prison operations, and at the plans for increasing the output in many ways.

The following were included in the party from the north end: From Aurora—George Berg, Dewey S. Miller, R. E. Donahue, Alvin Thompson, Henry Zimmerman, Fred Deitel, Chas. Eilers, Solon Kinzer, W. F. Prah, J. H. Hugill, Joe Resch, U. Eilers, J. W. Sadler, J. R. Kraus, E. H. Fry, A. L. Weaver, E. G. Robinson Jr., E. G. Robinson Sr., president of the Community club.

From Hubbard—L. E. Beckman, C. H. Cleaver, A. E. Berg, L. N. Scholl, Geo. Letter.

The following were included among the men showing the delegation through the flax plant: Governor Pierce, Col. W. B. Bartram, R. J. Hendricks, Col. Carl Abrams, Wm. Dalsell, John Quinland, Tom Kay, Jim Stewart, Hon. W. B. Dennis, Carlton, and Ralph H. Kletsing.

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LEIGH WADE TO LEAVE SERVICE

Army Round the World Flier to Quit Air Service to Lead Polar Flight

OGDEN TO BE ASSISTANT

Second of Globe Encircling Airliners to Make Trip; Universalities Said to Be Back of New Expedition

NEW YORK, Feb. 16.—(By Associated Press)—Lieutenant Leigh Wade, army round the world flier, announced tonight that he will resign from the air service within the next two weeks and that he will lead a polar flying expedition this summer.

He said that Lieutenant H. H. Ogden, another of the round the world fliers, who resigned from the army in Washington tonight, will act as his assistant on the flight.

In personnel, equipment and financing the expedition will be all American. It is backed by prominent alumni of Harvard, Yale, Princeton and the University of

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WORK IN COAL FIELD ASSURED

Anthracite Miners Ratify New Wage Agreement; Work Starts Thursday

STRUGGLE IS NOW ENDED

Over 158,000 Men to Resume Work Tomorrow; No Opposition Is Registered Against Settlement

SCRANTON, Penn., Feb. 16.—(By Associated Press.)—The anthracite miners today ratified the agreement settling the coal strike.

SCRANTON, Penn., Feb. 16.—(By Associated Press.)—The anthracite mining after an idleness of five months and seventeen days will be resumed Thursday morning.

The striking mine workers in convention today discussed for four hours the new wage agreement reported in Philadelphia and ratified it by a standing vote.

No voice was raised in opposition to the new compact which sends back to the mines 158,000 men and boys and which the mine workers herald as a new era in the strike-torn anthracite industry.

When the noes were called for in ratifying the agreement two men stood up at the side of the wall but some of the miners said they were not delegates. The end of the industrial struggle, among the greatest and costliest in the history of organized labor, came to an end without any thrilling dramatics. The miners, eager to vote and go home, called for the question, President C. J. Golden, of district nine, put the motion and there was a great shout of "ayes."

When the delegates were asked to rise they did so en masse, even the galleries joining. There was a cheer and the convention proceeded with the adoption of routine resolutions.

A verbal motion was adopted (Continued on page 8.)

GENERAL UPRISING QUELLED WHEN GUARDS UNLOOSE GUNS

One Prisoner May Die as Result of Riot in Dining Hall Following Incendiary Fire Started in Flax Plant; Fifteen Shots Fired by Armed Guards Stop Break; Leaders Are Shot

BORROWED FLASK FREE SUPREME COURT FINDS

MERE TAKING OF A DRINK DECLARED NO VIOLATION

Supreme Court Finds "Friend" Guiltless of Infringing State Law

The mere taking of a drink of intoxicating liquor, at the invitation of a friend, does not constitute unlawful possession of the same within the meaning of the Oregon statute, according to an opinion written by Justice Harry Holt and handed down by the state supreme court yesterday.

The opinion was written in the case of the state of Oregon against Elmer Williams, who was arrested in Tillamook county on a charge of unlawful possession of liquor. At the trial of the case a verdict of acquittal was directed by Judge George G. Bagley on the grounds that the facts stipulated did not constitute the crime charged. The state then appealed the case to the supreme court for final determination.

The record in the case, as set out in the supreme court opinion showed that Williams, at the invitation of a friend, received from the latter a bottle of liquor for the sole purpose of taking a drink. Immediately after taking the drink Williams returned the bottle to his friend.

"The only possession, ownership or control exercised over the said bottle of intoxicating liquor by the defendant," read the stipulation on which the appeal to the supreme court was based, "was the possession for the purpose of taking a drink of liquor at the invitation of a friend and for no other purpose."

"The said defendant was not the owner of the bottle of liquor and had no interest therein other than taking a drink therefrom. The evidence is undisputed that the defendant held the bottle of intoxicating liquor handed to him by his friend for the purpose of taking a drink, in his hand only long enough for the purpose of taking such drink, which drink the defendant took." Ownership of the bottle was admitted by the friend of the defendant.

In his opinion Judge Holt said: "If there were any fact or circumstance from which the jury could have drawn a reasonable inference that the defendant was

(Continued on page 2.)

CONTRACT IS APPROVED

WATER COMMISSION ACCEPTS APPRAISER'S CONTRACT

At a meeting of the special water committee yesterday afternoon approval was given to the contract into which the city of Salem will enter with Stevens and Koon, consulting engineers of Portland.

The contract provides that the city pay the engineers \$2500 in return for which the engineers are to submit for the people as soon as possible an exhaustive report and appraisal of the Salem Water and Power company's system.

Mayor J. B. Giesy and City Recorder Mark Poulsen in behalf of the city and Stevens and Koon are expected to sign the contract this morning.

The firm will start immediately afterwards on their survey of the water plant.

Nine convicts were shot, one perhaps fatally, when prison guards opened fire during a concentrated riot in the dining room at the state penitentiary Tuesday evening at 5:40 o'clock. Approximately 150 convicts took part in the demonstration. No guards were wounded and no prisoners escaped.

Albert Corley, a negro, 30 years old, was shot through the abdomen and may die. C. R. Moor, 42, was shot in the head and shoulder. Both were operated on immediately in the prison hospital.

The riot occurred after the prisoners had assembled in the dining room for supper. They had marched in as usual and had taken their places at the tables. In the room were five guards, unarmed.

The men had been in the room for about ten minutes when one of them jumped to his feet and cried "All right, let's go!" With the shout, several others jumped up and started turning tables over and breaking chairs. The riot became general. Other convicts leaped to the call of the leaders and in a few seconds over 150 men were taking part in the fracas.

The five guards in the dining room were the object of the attack. Cups, dishes, chairs and table legs were thrown at them in the worst disturbance of its kind at the prison. All five men were cut and bruised by the blows.

A general alarm was turned in for wall guards. Between 12 and 15 men rushed to the dining room and turned their guns loose on the swarm of milling convicts. In the face of the fire no resistance was shown by the prisoners and order was restored in a few minutes. Less than 15 shots were fired.

Warden Lillie and Deputy Warden Golden led the attack on the convicts as soon as the dining room guards made known their plight. It is estimated that the entire riot did not last more than four or five minutes.

A general tightening up on discipline is accepted as the cause of the disturbance. A new ruling inaugurated yesterday, requiring that prisoners must fold their arms when marching into the dining room and that they maintain absolute silence during meal time, is thought to have provoked the riot.

Corley and Moor led the disturbance. Corley is in the prison on a 10 year sentence for manslaughter, committed in Multnomah county. Moor was sentenced from Lane county for the larceny of an automobile. He is said to be wanted in Sacramento on a murder charge, is a "three time loser" and is said to have 14 indictments on various charges hanging over him in California. He has served two terms in San Quentin, was in the Indiana reformatory, besides numerous jail sentences. He is also said to be wanted on

(Continued on page 2.)

\$26,800 DAY'S PERMITS

LIST TWO-STORY, ONE-STORY STORE AND DWELLINGS

Building for the month of February received a substantial boost yesterday when permits were taken out representing investments amounting to \$26,800.

E. H. Kennedy was given a permit to erect a two-story building with a one story building in back. Total construction is to cost \$28,000. The buildings are to go up at 1241-43-45 State street. They will be used for a cleaning and dyeing business.

W. A. Bond was given permits to construct two one-story dwellings at a cost of \$3000 each. One is to be erected at 135 South Twenty-fourth street and the other at 360 Leffelle street.

A. J. Flint took out a permit to construct a one story dwelling at 2083 Maple Avenue at a cost of \$2800.

(Continued on page 2.)

