SEVENTY-SIXTH YEAR

SALEM, OREGON, THURSDAY MORNING, APRIL 15, 1926

PRICE FIVE CENTS

"Child Mind" Plea to Save Slayer Cody Urged by Father, Friends

DEATH INVITATIONS OUT

Appeal for Executive Clemenc Based on "Mentality of a 15-Year-Old Child," Presented to Governor

Representatives of the Portland KLAMATH TRIBE IS FREED Labor council and a number of other prominent organizations in the state appeared before Governor Pierce here Wednesday and urged that the death sentence imposed on Arch Cody, slayer of Sheriff Goodman of Harney county, be commuted to life imprison-

Cody is scheduled to be hanged in the execution chamber of the Oregon state penitentiary here on Friday morning.

The appeal for executive clemency was based on the contention that Cody has the mentality of a 15-year-old child, that the crime was not premeditated, and that there was some question as to whether the officer was killed by a bullet from Cody's gun or by a bullet from a revolver carried by the sheriff at the time of the trag-

W. M. Gatens, Portland attorney, said that while he had no first-hand knowledge of the testithe trial, he believed the sentence Cody's lack of mentality. He also code was based on a desire to rematter of principle.

few feet of the governor during to act as United States deputies. Wick Merritt, formerly a worker at Medford, and a friend of the Cody family. members of the dele-

were opposed to capital punishment, while eight others indicated they favored the gallows in aggravated offenses. Governor Pierce said that he

would not arrive at any definite decision in the case until late to-

Records in the state supreme court showed that Cody shot and ing to be hurt." killed Sheriff Goodman as the officer was attempting to arrest him Tor passing a worthless check. Although the crime occurred in Harney county, Cody was tried and convicted of first degree murder in the Malheur county circuit court. The decree of the lower granted by local courts are illegal court later was affirmed on ap- and not binding, because not peal to the supreme court.

granted by United States jurists. bank died. A few words were It was said that the delegation here Wednesday included members of the Prisoners' Aid society, the Women's Advertising club and Women's Protective association, all of Portland. There also were in attendance officers of various Portland unions in addition to those of the Central Labor coun- April 14.—(By Associated Press.)

Warden Lillie of the penitentiary announced Wednesday that all plans for the execution had een completed. Invitations to the hanging have been limited to prison officials, clergy, sheriffs, physicians and newspaper men.

### COURT WILL OPEN BIDS RIGHT TO HAUL 25,000 YARDS WILL BE AWARDED

Bids for the hauling of approximately 25,000 yards of gravel will be opened by the Marion county court this afternoon at 1 o'clock, The hauling is to be done from the county crushing plants at Tur-

ner, Stayton, Union Hill and Silverton, and the material will be used on county market roads in the several districts.

Bids last year ranged from 1 to 17 cents per mile-yard.

### Wednesday In Washington

The senate agreed to vote today on the Italian debt settlement.

The senate asked Secretary ilon what funds the Thompson hippine mission will use.

aptain Wilson Brown was delated commander of the presiatial yacht Mayflower.

The Spanish war veterans pen sion bill was passed by the senate and sent to conference.

Republican house agreed to give farm relief legislation right of way as soon as a bill is reported.

President Coolidge renominated Chairman Hooper, Samuel Higgins ful, somewhat misty in the mornthe railroad labor board.

# Streams Draw Sportsmen As Fishing Season Opens

Trout, Numbering 465,000, Liberated in Closed Waters of Marion and Polk Counties: Additional Plantings Scheduled for Week-End

Coincident with the opening of the fishing season today, came word Wednesday from the state game commission, that over 465,000 trout had been liberated in closed streams of Marion and Polk counties, and that additional numbers would be freed during the week-end. The work of stocking streams in this district is now progressing rapidly.

The season opens today for trout, croppies, perch, sunfish, and other varieties, although those wishing to angle for bass must wait until June 15. No fishing will be permitted in closed streams or in their

Approximately 125,000 cut-

two one-half inches in length were

Luckiamute, Ellendale and La-

Creole creeks, in Polk county. In

the Salem district, Battle Creek

and the Little North Fork of the

Santiam were stocked with 100,-

000 of the rainbow variety, and in

the Silverton district, 240,000

rainbow trout were, liberated in

the Abiqua, Powers, Davis and

During this week, between 25 .-

000 and 30,000 trout of from six

planted in Polk county, accord-

ing to Henry Stevenson, deputy

with Mr. Craig of the state game

commission, is carrying on the

The following Marion county

streams and their tributaries are

closed to fishermen until further

notice, by order of the game com-

Santiam river, Davis Creek, Pow-

ers Creek and Little Abiqua creek

creek and Drift creek, and Olalla

creek, a tributary of the Clacka-

EXTREMELY SIMPLE SERVICE

ES MARK FINAL TRIBUTE

SANTA ROSA, Cal., April 14 .-

night with a cedar of Lebanon,

the daily routine in the cottage

where Burbank lived and worked.

No prayers were said aloud at his

bier and the stillness of evening in

the home was unbroken by fu-

Old friends and former fellow

workers carried the casket to the

grave from the room where Bur-

spoken informally by close friends.

was lowered to its final resting

and headstone.

neral orations.

Little North Fork of the North

work of restocking the streams.

Stevenson, together

game warden for Marion and Polk

counties.

liberated Wednesday in the Little

### INDIANS CAROUSE WHILE tributaries. OFFICERS ARE HELPLESS throat trout of between two and

FROM RESTRAINT

Tribesmen Free to Commit Crime, Are Safe From Arrest, Report

KLAMATH FALLS, April 14 .-(By Associated Press.) - Freed from the restraining hand of state Drift creeks. and county jurisdiction as the result of a recent court decision, Klamath Indians at Beatty and Sprague are drinking and carousing and flaunting their excesses in the faces of peace officers ac-

cording to advices received here.

The court decision which freed the Indians from legal restraint was made public last Monday in a habeas corpus proceedings before circuit Judge Leavitt. With the county and state laws nullified by the decision and with no federal laws in existence dealing with the mission: lesser crimes, drunkeness, gambling and the like, the Indians are mony introduced at the time of free to commit minor crimes and are safe from arrest so long as and tributaries of the Abiqua rivshould be commuted because of they remain on the reservation er, Beaver creek and Batle creek, and do not commit felonies, Dis- tributaries of Mill creek; Brush argued that the Oregon criminal trict Attorney E. L. Elliott said. Fear that safety of white resiform rather than revenge. When dents on the reservation was men- mas river. questioned by Governor Pierce, the aced was expressed by Elliott who speaker admitted that he was op-said that if the demonstrations are subject to a fine of \$25 to sed to capital punishment as a continued he would be forced to \$500 and imprisonment for 30 ask that the United States offi- days to six months, or both. No-Barney Cody, father of the cers be sent from Portland, or that tices are posted on all closed slayer, occupied a chair within a local peace officers be empowered streams and their tributaries.

Both state and county men are ries and the Indians know BURBANK LAID TO REST it," Elliott declared this after-"As the matter now stands, an Indian may sit in the middle gation told the governor that they of the Beatty's one street with a moonshine still running beside him, drinking his own product and running a cash poker game on the side, and he legally free from all interruption until United

States officers arrive. "Something must be done, and done quickly, or some one is go-

Klamath Falls automobile dealers are also worried because under the ruling they fear they cannot collect for cars sold on condi-

tional sales contracts. In the opinion of Attorney Elliott, all Indian divorces recently

### BERGDOLL IS ACQUITTED a song was sung, and the body AMERICAN EVADER IS TO FILE COUNTER CHARGES

MOSBACH, Baden, Germany, -Grover C. Bergdoll, the American draft evader, was speedily acquited today of charges of seduction and impairing the morals of minors.

Prof. Hans Gruehl, of the University of Heidelberg, testified that his examination of 17-yearold Leisel Schmidt, the chief witness against Bergdoll, convinced him that she was of "subnormal mentality and untrustworthy."

Facing a sentence of from one to 10 years for each offense, Bergdoll admitted that he had received the greatest scare of his life, despite previous hectic escapades. Nervous and with perspiration streaming down his forehead, Bergdoll bitterly attacked the private detective Sachs, a former American who had preferred the charges and who was not present in court.

To The Associated Press correspondent, Hergdoll said:

"I am through with Americans. have lost all respect for Americans, because they have hounded me and by underhanded methods, such as the employment of Sachs, have tried to throw me into jail. But the accounts are not closed. I will file a counter suit for damages and libel against Sachs."

### AMUNDSEN SHIP LEAVES DIRIGIBLE ON FIRST LEG OF VOYAGE TO ARCTIC

OSLO, April 14 .- (AP) -The dirigible Norge started for Len-ingrad at 1:10 o'clock this morn-

OSLO, Norway, April 14.— (AP)—The dirigible Norge o the Amundsen-Ellsworth polar expedition, made ast to her moorin after an uneventful flight from Pulham, England. The Norge started on this journey shortly before midnight last night.

The city was agrog with excite ment. The weather was beautihe railroad labor board. sunshine and without wind.

Weather Man's Thermometer Rises to 87 Degrees in Summer Streak

### "NIGHT RAINBOW" SEEN

Rainbow Extends From East to West Across Sky in Strange Phenomenon; Warm Spell General

Salem practiced "sweltering" yesterday, in preparation for the summer months. The "sweltering" was induced by the temperature of 87 degrees, registered on the official thermometer of the Salem weather observatory. Wednesday was the hottest day, the records show, since October 12. 1925. In all valley points, record heat was experienced. In Port- of the slain yesterday. land the mercury crept up to 87 degrees, and in Eugene it touched

to eight inches in length will be The forecast for today indicates that cooler weather is to be ex-

Hundreds of Salem people wit nessed the "night rainbow" in the heavens last night, and although various explanations of it were advanced, L. L. McAdams, veteran Salem astronomer, declared that while the phenomena is by no means common, it is seen occasionally when temperature, at mosphere and light effects are in harmony. The rainbow extended from east to west across the sky. and was caused, Mr. McAdams said, by light from both the sun and moon, striking particles of moisture suspended in the atmos-

EUGENE, April 14.—(By As-Those who violate this order sociated Press) - Mercury climbed the glass to a new high level today when 86 degrees, equal of the last hot day in Eugene on Sep-

### WATKINS SEEKS DEBATE

PORTLAND, April 14.-Elton Watkins, who some time ago an-(AP)-All that was mortal of Lu-States senator, today issued a chal- er and a war veteran. ther Burbank, first citizen of Santa Rosa lay beneath the sod toenge to Bert E. Haney to debate with him on the ship subsidy quesplanted by the great horticulturist tion, and to Hugh McLain, to debate on the liquor question. I many years ago, as a monument The burial was as simple as

# TOP HAND FATAL BLOW

IS DEALT EIGHT ACES IN PINOCHLE, DIES

CHICAGO, April 14.—(AP) -Herman Schlee, 68, picked up the cards dealt him in a pinochle game last night, looked at them, smiled at his friends, and fell over dead. The hand consisted of eight aces.

CALL THE KEEPER!

### HERRIN CHECKS LIST OF DEAD; ELECTION FEARED

FACTIONAL STRIFE MAY COME

Election; 19 Killed Since February, 1924

HERRIN, Ill., April 14 .- (By Associated Press.) - Tallying on death's scoreboard the results of the sixth inning of its civil war, Herrin viewed with foreboding tonext Tuesday, and appealed to miltary force to remain in control of the city until the vote is taken.

A county and state primary yesterday was the occasion of a renewal of the factional strife which had been dormant since thousands of residents of the community "got religion" in a revival meeting 11 months ago, and six men died in a gun battle in front of a voting place at the Masonic hall.

While Mayor Marshall McCormick was appealing to national guard officers to keep militiamen in the city until next Tuesday's municipal election is over, Coroner George Bell of Williamson county, reached the scene and called an inquest for Friday over the corpsec

Each faction-the klan group and the anti-klan force-has three dead in the latest episode of Herrin's long tragedy, and 19 have died in the civil war since February, 1924. Yesterday's shooting marked the sixth time the factions had "shot it out" in 26 months. Of the 19 fatalities, ten victims have been klansmen and nine anti-

Bitter enmities arising out of Glenn Young more than two years friends of the klan victims for the

Mayor McCormick called the moive" revenge on the part of bootleggers and others.'

Mrs. Ben Sizemore, widow of eve witness, said the assailants avowedly intended to kill John Ford, former police chief, and reported cyclops of the Herrin klan, whose brother is one of the dead Ford has declined to talk until he faces the coroner's jury. Arlo would not have happened "if the mayor, chief of police and sheriff

had done their duty." Oren Coleman, the candidate encratic nomination for United ents. He is a former school teach-

It was believed tonight that the McCormick's plea that a few information." guardsmen be posted indefinitely in the town. The mayor expressed the belief that neither faction would fire upon a uniformed sol-

The mayor told today of refusing, early yesterday, offers of deputy sheriffs from Sheriff George Galligan, avowed anti-klansman. He feared, he said, that the sending of deputies would "add fuel to the fire," and Galligan agreed. No arrests had been made tonight

(Continued on page 6.)

# TO HEAD ON TUESDAY Precaution Taken for Coming

Grand Marshal of Prohibition Forces Testifies at Senate Hearing

day an approaching city election DISCUSS SALE OF BEER the high school of Salem, Massa-

Andrews of Opinion That Sale of Non-intoxicating Beer Would Improve Prohibition Conditions

WASHINGTON, April 14 .-AP)-An opinion that the sale of non-intoxicating beer under nelle Beckett and Homer Richthe strictest sort of government ards. control would improve conditions under prohibition was drawn from assistant Secretary Andrews of the treasury today by the wets that will journey to Salem, Mass. liquor committee.

On the stand for another two ranged. hours, the official in charge of federal prohibition enforcement intoxicating wines could be pro- tendent.

Contending for consumption of beer only in the home or in high Horning, will leave Salem at 6:41 class hotels and restaurants, Gen- Wednesday morning, April 28. eral Andrews declared that the They will journey to Portland and iquor raids led by the late S. sale of beer in saloons would be will reach Spokane, Washington, "disastrous" to prohibition en- the same day. Thursday the parago are blamed specifically by forcement as the saloons could be ty will go through Montana, stopused as blinds for the dispensing ping at Missoula, Butte and Billof hard liquors.

He conceded there was a great deal of distilling in private homes the first stop Friday. Fargo, N and agreed with Senator Reed, D., and St. Paul, Minnesota, will democrat, Missouri, the one wet one of the slain klansmen and an member of the committee that group will arrive in Chicago Satthis must lead to a breaking down urday morning, and will stay of the morals of families so en- there until Sunday evening.

The grand marshal of the prohitember 23, 1925, was the maxi- klansman, said the shootings were his wet questioners that as long will visit various places of intermum reached. Tuesday the purely for the purpose of intimi- as his forces dried up the sources in Massachusetts until the dating voters," and declared they of commercial supply, distilling in evening of the debate, May 7. the nome probably would increase.

dorsed by the klan, was nominated committee by District Attorney ington, D. C. for sheriff by the republicans with Buckner, of New York, that 60,nounced he would seek the demo- a large plurality over six oppon- 000,000 gallons of alcohol is diverted to bootleggers yearly. "Our best figures are that dur-

guardsmen, in Herrin for the 15,000,000 gallons were diverted," May 21. After spending about 5 nine interest in the welfare of eighth time in four years, will re- he said. "I think Mr. Bickner's hours in New Orleans, the group those engaged in industry; main for another week, and con-sideration is being given to Mayor information and also on lack of

After Mr. Andrews left the stand the treasury sent to congress a supplemental estimate of hours there, they will board train \$2,293,000 to carry on prohibi- for Salem, arriving back home at knowledge of all current education enforcement next year with an explanation that when the origan explanation that when the orig- 26, having been gone exactly 28 inal estimate was submitted the new organization set for enforcement had not begun to function turn trip by the southern route the state;

Prohibition also got into the senate debate during the day, senator Borah, republican, Idaho, arguing that the efforts to modify the dry laws were in reality an attempt to modify the constitution without the sanction of the people.

At one point his declaration bout assaults on the constitution was applauded vigorously both by senators and spectators, with Senator Sheppard, democrat, Texas, an ardent dry, leading the dem-

After Senator Borah had concluded Senator Edge, republican, New Jersey, one of the wet leaders, replied that there was no assault on the constitution, simply a movement for that which the constitution permits-liquor non-intoxicating in fact. With Senator Reed taking the

lead in a vigorous and at times humorous examination of General Andrews and with a captured illicit still on exhibit in the room the committee session today proved one of the most colorful in the smiled constantly, talked freely week and a half of the wets pre- with the members of his entoursentation of their case.

icating beer as proposed by Sen-ator Edge, the assistant secretary (Continued on page 3)

# CITY ATTORNEY HOLDS AP-PRAISAL CAN BE MADE

cannot demand injunction for-bidding the city's paying Stevens and Koon for the survey of the be adopted." Salem Water and Power com- The Willamette negative team pany's plant unless he can show consisting of Myrtle W that the payment would increase Adelia Gates and Hazel N

the plaintiff would be benefitted by the survey as it is to suppose that he would be damaged by k."

The only issue, as Williams sees it, is whether or not the city has a legal right to enter into the audience did not vote, Albany colcontract with the enginers for the lege having requested that no manifestation be made.

### COAST DEBATE CLASH HOME TEAM SELECTED

OFFICIAL ITINERARY ROUTES RETURN BY NEW ORLEANS

Harold Tomlinson, Winston Williams and Edith Starrett Will Speak

Harold Tomlinson, Winston Williams and Edith Starrett were chosen Wednesday to represent Salem high school at this end of the cross-continent debate with

announcement was

Official

made by Orlando H. Horning, debate coach. The selection was made by a comparison of papers submitted by the debaters. Tomlinson will be first speaker, Williams second and Edith Starrett final. Members of the team to go to

Massachusetts, announced some time ago, are Margaret Pro, Gay-

Due to the generosity of the Salem school board in allowing the members of the debate team during testimony by the senate 28 days for their trip, a highly ty, and by his Salem friends, interesting itinerary has been ar-

This itinerary, it is understood. meets with the approval of the would not commit himself on the debaters, of J. C. Nelson, princi- trial accident commission, fr sale of light wines because he pal of the high school, and of was not prepared to say that non- George Hug, city school superin-The party, consisting of Misses

Pro and Beckett, Richards, and

Bismark, North Dakota, will be be visited the same day. Niagara Falls will be visited

Monday, May 3. They will stop bition forces thought this whole at Buffalo, New York, the same situation was one calling for in- day. On Tuesday, May 4, they tense study. He also agreed with will arrive in Boston, Mass. They his wet questioners that as long will visit various places of inter-On Saturday, May 8, they will

Before General Andrews left journey to New York. A week's Salem Labor Council, on The the stand he took issue with the time will be taken in making side day, passed the following statement recently given to the trips to Philadelphia and Wash-tion:

will take a steamer at New York May primary having always she Saturday, May 15, and will ar- in the press, in the legislature, in ing last year from 13,000,000 to rive in New Orleans on Friday, public address and elsewhere gen-Sunday, May 23.

Francisco. After spending 11 struction; days to the minute.

when a check revealed that, by taking the boat for a part of the distance, it would be cheaper than returning the northern route and traveling by train only.

### PREMIER BURNS UP ROAD MUSSOLINI SHOWS NEW SIDE OF CHARACTER ON TRIP

TRIPOLI, April 14 .- (By Assopicked one of his last days of Tripoli visit-devoted primarily to an inspection of the excavations of the ancient city of Lepitis Magna -to cast off the cloak of the Caesar of the new Roman empire and appear in a role the world little knows, that of a likeable boyish and very human person. He drove his own car 150 miles at such breakneck speed that he left all the other cars behind and caused that in which the Associated Press correspondent was riding to turn

turtle in a sand dune.
Instead of wearing his custom-Regarding modification of the of little fascists in fatherly fash-Voistead act to permit non-intox- ion and gave the camera men of portunities for good pictures. He ator Edge, the assistant secretary proved a hesitant if not a reluctant witness. Julian Codman, counsel for the wets tookup that phase of the inquiry and Senator he had been welcomed.

### INJUNCTION PLEA IS HIT DUAL' DEBATE IS HELD WILLAMETTE AND ALBANY CLASH; NO VERDICT GIVEN

City Attorney Fred Williams in his brief in the T. E. Waldorf vs. city case declares that Waldorf college co-eds Wednesday night

pose," declares Williams, "that the plaintiff would be benefitted Irene Breithaupt debated he by the survey as it is to suppose that he would be damaged by it." being held at the Salem Height The only issue, as Williams sees community club bouss.

Mayor Will File Today or Tomorrow for Lower Legislative House

## TOOZE ENDORSED

abor Council Passes Resolution: I. L. Patterson Files for Republican Nomination as

John B. Glesy, mayor of Salem, will today or tomorrow file for the lower house of the legislature. submitting his name to go on republican ballot for the May 21

He has been urged to this action from various sections of the co cause of the fact that he is to iar with the affairs of his st and county, on account of his connection with the state indus years on the road, and later charge of the correspon of one of the divisions.

He has also been urged from different sections of Salem to stand for reelection as mayor, on account of the principles of omy and law enforcement and ge eral efficient service in the city's affairs for which he has stood. But he has concluded that four years in this service is all that

ought to be expected. This will leave T. A. Liveniey and Earl Race as the only candidates for mayor in the May pri-maries, which will conclude the issue, unless another candidate shall appear and no one have a majority of the votes. Then the two highest would try for the conclusion in the November election.

Unanimously endorsing Fred J. fooze, candidate for repul nomination as state sur ent of schools, the International Union of Steam and Operating Enlem, on Monday evening, and the

Return trip will be made by nomination for state superinte "Fred J. Toose, candidate for way of the southern route. They ent of public instruction in the

ience and character for the office Monday will find them in San of superintendent of public in-"And possessing thorough

It was decided to make the re-"Therefore, be it resolved that

> we hereby endorse and support thu said Fred J. Tooze for nomination and election."
>
> The endorsement came without solicitation by the candidate.

Reduce taxes by reducing the cost of government is one of form of I. L. Patters for governor, who filed his deciaration of candidacy in the offices clated Press.)—Benito Mussolini of the secretary of state here Wednesday. Mr. Patterson is a repub-

lican. Mr. Patterson's platform reads Reduce taxes by reducing cost of government. Every dollar in taxes paid to return the taxpayer a dollar in

Make governor the budgeting official. Receipts from government land less expenses belong to the pe

ple of Oregon. Place penitenitary under board of control. Make board of control parole board, fewer pardons. Enforcement of prohibition by officials who believe in enforcing

Hasten construction of Room pose peddlers' license applying to traveling salesmen.

Adequate provision for retiring bonds. Issue no free tax be Fish and game commis

Play fair with ex-service men. Maintain high standard of pub-

### (Continued on page 5.) GOODENOUGH ASKS DATA

AID IN \$15,000 CLAIM

# STREET