

The Oregon Statesman

WEATHER FORECAST: Cloudy, becoming unsettled in the night; moderate temperature; moderate variable winds becoming southwest on the coast. Maximum temperature yesterday, 67; minimum, 37; river, 3.6; no rainfall; atmosphere clear; wind, northwest.

The growth of an oyster can now be seen in moving pictures, but we doubt whether this oyster film can ever be made into one of these now tangled talking pictures.

SEVENTY-SIXTH YEAR

SALEM, OREGON, WEDNESDAY MORNING, MARCH 30, 1927

PRICE FIVE CENTS

ALARM SPREADS THROUGH CHINA, SAFETY SOUGHT

All American Missionaries in Eastern Shantung Take Hurried Leave

TIENTSIN PLOT FEARED

Nationalists at Changsha Demand Withdrawal of Warships; Demonstration Against Concession Rumored

SHANGHAI, March 29.—(AP.)—Alarm at the growth of anti-foreign agitation in nationalist China has spread northward to districts threatened by the Cantoneses advance, and refugees, most of them Americans, are moving out of southern Shantung, Anhwei and southern Honan provinces.

Advices from Chefoo, in Shantung, say that all the American missionaries in eastern Shantung are on their way either to Tsingtao, which is on the southeastern coast, or to that city. Their exodus was caused by the uncertain future of the province and the events of the past week at Nanking and other nationalist controlled cities.

A Japanese destroyer arrived at Chefoo Sunday, and the American consul there has asked for a United States destroyer.

The local Chinese commissioner at Changsha, on the Ssang-Hiang, in Hunan province, after a slight encounter between a number of Chinese and a party from the British gunboat Woodcock, today demanded withdrawal of the British warship at that nationalist controlled city.

The commissioner demanded also that the British sailors involved in the clash be turned over to the Chinese authorities in order that "drastic action" might be taken against them.

Plot Reported LONDON, March 29.—(AP.)—Information has reached the An-Koehun headquarters in Peking indicating that a serious plot is brewing to demonstrate against the foreign concessions in Tientsin, important city of the north, says a Peking dispatch to the Westminster Gazette.

The dispatch adds that it was proposed to consult the various legations on concerted action for the protection of foreigners and that Chang Tso-Lin, the ex-Manchurian war lord, has stated that he would do everything in his power to protect the foreigners.

DISARMING AIM OF U. S. ENVOYS

PREPARATORY COMMISSION MEETING AT GENEVA

Separate Regulations for Regulars and Reserves Urged by Gibson

GENEVA, March 29.—(AP.)—The United States delegates attending the sessions of the league of nations preparatory commission on disarmament would like to see the world's armaments fully covered by the provisions of the general disarmament treaty which the commission is seeking to formulate.

This was made evident today when Hugh Gibson, United States minister to Switzerland, and American delegate to the commission, took a hand in the discussions of the question of army reserves.

President Loudon of the commission had announced that the delegates were unable to agree on the question of reserves, before Mr. Gibson delivered his address which cleared the path to possible reconsideration of the matter.

Mr. Gibson proposed the creation of two categories of troops, one consisting of active forces and the other of reservists. He suggested laying down a separate system of limitation for each category.

Apparently believing, however, that there is small chance for reaching an agreement to limit reserves, Mr. Gibson wants the treaty, when it goes before the senate, to contain at least a statement of the number of reservists in each country, so that American public opinion can exactly visualize the international military situation.

BROWNLEE TRIAL GETS UNDER WAY

DEFENDANT IDENTIFIED AS HOLDUP MAN BY VICTIM

State Wins First Argument When Robbery Testimony Ruled Relevant

EUGENE, Mar. 29.—(AP.)—Weakened by a month-long confinement in a local hospital with a gun shot in his neck and shoulder, William Maddaugh, pool hall proprietor of Veneta, staggered into circuit court here today to testify in regard to the holdup and shooting at his pool hall February 27. The holdup and shooting is charged by the state to Albert Brownlee now being tried for the murder of Eston Hooker, possumaz two days after the holdup.

In a voice little higher than a whisper, Maddaugh told of identifying the holdup man as Brownlee by his voice. He saw the bandit as soon as he spoke, he said. He told of the masked man entering by the back door and telling the other occupants of the room, who were playing cards, to hold up their hands. Maddaugh rebuked the intruder was shot, falling to the floor but did not lose consciousness.

The state won the first major tangle of prosecuting and defense attorneys early this afternoon when the court overruled an objection made by Fred E. Smith, defense attorney, to bringing up of testimony by the state in regard to the holdup which the defense claimed had no bearing on the murder charge. The objection was overruled on the ground that the holdup testimony was designated by the state to prove a motive for the later murder of the possumaz.

The jury finally selected this morning consists of six men and six women. The defense declared itself satisfied after its seventh peremptory challenge and the state was satisfied after its fourth.

Immediately after the jury was sworn in, the state made its opening statement. The defense waived its opening statement.

Movement of the defendant before the murder, as the state will seek to prove, was outlined by Gordon Wells, deputy district attorney. The state will ask for conviction of murder in the first degree without recommendation. Brownlee, Mr. Wells said, "admitted the whole transaction."

REPORT AMERICAN HELD

Ransom of 40,000 Pesos Demanded for Wilkin's Release

MEXICO CITY, Mar. 29.—(AP.)—The United States embassy has been informed that Edgar Mark Wilkins, an American who was kidnapped last Sunday by bandits and is being held for ransom of 40,000 pesos (about \$20,000).

The embassy has sent a note to the Mexican foreign office making urgent representations for Wilkins' release.

The information reaching the embassy said that Wilkins, whose home address in the United States was not announced, was kidnapped with his ten year old son on the outskirts of Guadalajara on Sunday and carried into the neighboring hills by bandits.

The boy was sent back to the city with a note demanding forty thousand pesos ransom. Federal troops, learning of the kidnaping pursued the bandits and engaged in a fight with them yesterday, but the band escaped. The pursuit is continuing according to the information to the embassy.

START ON GUARD CAMP

Engineers Will Lay Out Site for Encampment Today

ASTORIA, March 29.—(AP.)—Engineers will start laying out the new national guard encampment at Columbia Beach tomorrow, it was announced today by Brigadier General George A. White of Salem, adjutant general of the Oregon national guard, who was in this city today.

Construction work for 1927 calls for an expenditure of \$40,000, General White said. The camp will be called Camp Clatsop, it being a short distance from Fort Clatsop, where the Lewis and Clark expedition spent the winter of 1805-1806.

MEETING NOT REPORTED

OLYMPIA, March 29.—(AP.)—After the state capitol committee concluded an executive session late this afternoon with bidders for a \$1,700,000 block of capitol building construction funds, Governor Roland H. Hartley declared "there is nothing to say." The bidders will meet again with the committee at 10 o'clock tomorrow morning.

BALLOT TITLE ASKED LOOKING TO LAW REPEAL

Indicated Secretary of State May Refuse to Approve Application

KAY HITS QUESTIONNAIRE

Smith May File Mandamus Proceedings in Court to Compel Secretary of State Grant Title for Ballot

An application for a ballot title was filed in the office of the secretary of state yesterday by L. B. Smith, secretary of the Greater Oregon association. This request is in reference to a referendum measure, which would place before the people the opportunity to repeal a law enacted at the recent session of the legislature giving to the state tax commission and county assessors more power and authority in levying property assessments.

The law under attack was known as house bill No. 72, and contained the emergency clause. Because of having the emergency clause attached the law is now in operation, and the question has arisen as to whether it is subject to referendum. It was indicated that the secretary of state would refuse to approve the application for ballot title unless he was advised to do so by the attorney general.

In event the application is not approved, Mr. Smith said he would launch mandamus proceedings in the courts to compel the secretary of state to grant the ballot title. The proceedings would be based, he said, upon that provision of the constitution which provides that the legislature has no power to withhold the right of referendum on any bill regulating taxation.

Mr. Smith contends that the bill under attack is a taxation measure, and consequently the legislature exceeded its authority in approving the emergency clause. "I am filing this request for a ballot title," read a statement issued by Mr. Smith, "to determine whether the referendum right as to tax regulation is to be denied."

Under this bill the taxing authorities have attempted wholesale exercise of power to pry into private business records, not merely to obtain information that is necessary, but to uncover income, purchases, liabilities and other items of private information. If this law permits of such a sweeping exercise of arbitrary power by public officials, it is a dangerous act, and the voters should have

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AUTO COUNT INCREASES

Two Million More Vehicles Registered in 1926, Report

WASHINGTON, Mar. 29.—(AP.)—Registered motor vehicles last year numbered 22,001,393, an increase of more than 2,000,000 or 10.3 per cent compared with 1925 and registration fees, licenses and the like placed \$288,282,352 in the state treasury.

Reports to the bureau of public roads also showed that the gross receipts \$190,406,060, was available for highway construction under supervision of state highways departments, \$51,702,184 for county local roads, and \$25,274,158 for financing highway bond issues.

Registrations for Oregon for 1926 was 233,568; for California 1,600,475 and for Washington 363,279.

ONTARIO MOIST AGAIN

Wet Bill Passes Legislature; Now Awaits Official Signature

TORONTO, Ont., March 29.—(AP.)—The bill designed to bring liquor back to Ontario, under government control, after ten years of prohibition, passed the legislature in its final form tonight, and now awaits the signature of the lieutenant governor. It is expected to become effective about May 15.

Amendments provide a compulsory jail sentence of at least one year for a second offense of selling adulterated liquor, empower the government to discontinue entirely the sale of liquor in case of emergency, such as a strike or riot, and make the vendor responsible for damages caused a person to whom he sold liquor meet with fatal accident while intoxicated.

LAUGHLIN NAMED FOR COMMISSION

ELKINS TO BE RETAINED AS REHABILITATION MAN

Marshall and Bragg May Be Retained on Body by Governor Patterson

Sam Laughlin, cashier of the Yamhill State bank, yesterday was appointed a member of the state industrial accident commission to succeed Dillard Elkins. Mr. Laughlin will assume his new duties May 1.

Mr. Laughlin has lived at Yamhill for many years. He is president of the Yamhill chamber of commerce and a member of the Yamhill County Bankers' association. He served in the lower house of the state legislature at the time the law creating the state industrial accident commission was created.

Governor Patterson announced that he selected Mr. Laughlin because of his ability as a financier. It was said that Mr. Elkins would be retained by the industrial accident commission as supervisor of the rehabilitation department in Portland.

W. A. Marshall and E. E. Bragg, incumbents, probably will be retained as members of the commission. Mr. Marshall has been a member of the commission since its creation. He is a republican. Mr. Bragg is a democrat and was appointed a member of the commission soon after ex-Governor Pierce was inaugurated. Under the law one member of the commission must be of political faith opposite that of the administration.

Mr. Elkins was appointed a member of the commission by ex-Governor Pierce and has served for four years. His term has expired. Before coming to Salem Mr. Elkins lived at Eugene where he was engaged in the practice of law.

ASK PROBE OF SHOOTING

Mrs. Grayson Dies of Wound Caused by Father-in-Law

KLAMATH FALLS, March 29.—(AP.)—That Mrs. Myrtle Grayson, 27, mother of three children and prominent matron of Malin came to her death by gunshot fired by her father-in-law, J. H. Grayson, and that he should be held for investigation by the authorities, was the verdict today of a coroner's jury.

Mrs. Grayson died last night. She was shot as her husband, Albert Grayson, endeavored to prevent the elder Grayson from shooting Jack Sullivan.

According to Albert Grayson, the elder Grayson was suffering under delusion that Sullivan was in love with his son's wife. District Attorney Duncan is expected to file charges immediately.

BUILDING SLUMP BROUGHT TO END

TOTAL FOR MARCH NOW PASSED \$355,615 MARK

Construction to Start on New Engel Apartment House in Short Time

When Adam Engel took out a permit Tuesday morning for the construction of a four-story reinforced concrete apartment house at 1000 Chemeketa street, the building slump, which has held sway during March, was brought to an abrupt end and the total permits now have reached the \$355,615 mark. This new apartment building, which will be erected by the veteran Salem contractor, will cost about \$185,000.

The construction will start immediately after a frame dwelling house is torn down on the 84x147 feet lot at the southeast corner of the Chemeketa-Capitol intersection. Engel purchased the lot from Edgar Hartley for a consideration of \$15,000.

The proposed structure will outdo any other apartment construction yet attempted in the city, rising four stories above the ground with eight basement suites, swelling the total to 51 for the entire building. Eight upper apartments are of four room suites, 19 three rooms, and 16 for two rooms.

Elevator service will be installed in addition to every modern convenience known to apartment dwellers.

Engel hopes to have the building completed by November 1, ready for occupancy at that time. The exterior will be finished in stucco, with an open court facing north on Chemeketa street.

CRITICIZE U. S. STAND

Russian Newspaper Attacks American Acts in China

MOSCOW, Russia, March 29.—(AP.)—Pravda, newspaper of the Russian communist party, today declared that "American participation in the war upon China has been cemented by the blood of the thousands of victims" of the Nanking bombardment.

British imperialism, hitherto doubtful about the American attitude, now feels safe in going ahead with plans for a gigantic war program, the paper says. After quoting extracts from several American newspapers, Pravda adds:

"The anxiety evidenced by the American press resembles the panic of a bandit who has committed his first murder. After playing a leading part in the slaughter, the United States now tries to resume sheep's clothing, but the Shanghai workers will quickly see through the subterfuge."

TWO MEMBERS' RESIGNATIONS REACH CAPITOL

Appointments to Game Commission to Wait, Governor Announces

REFUSES TO COMMENT

Patterson Will Not Admit Request for Resignations Sent Fish Commissioners "Private Matter," Attitude

Resignations of I. N. Fleischer of Portland and J. W. Maloney of Pendleton as members of the state game commission, were filed today with Governor Patterson.

The governor refused to comment on the resignations further than to indicate that their successors would not be selected for several days. Other members of the state game commission are Harold Clifford of Canyon City, W. L. Finley of Portland and M. H. Bower of Corvallis.

Mr. Fleischer was first appointed state game commissioner February 25, 1921, and was reappointed February 16, 1925. Mr. Maloney originally was appointed a member of the commission June 18, 1923. He was reappointed February 26, 1924.

"Receipt of the resignations of Mr. Fleischer and Mr. Maloney were today, preceded by the announcement last night that W. T. Eakin of Astoria had been requested to resign from the state fish commission, has resulted in a report that Governor Patterson has asked for the resignations of the members of both the state fish

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LEVEE NOT WASHED OUT

Mississippi Bank Cut Half Way Through, Break Feared Soon

MEMPHIS, Tenn., March 29.—(AP.)—The Mississippi river levee near Leona Landing, Ark., had not gone out, as was indicated in reports reaching here late today. A late message to the office of Major D. H. Connolly, district engineer of the U. S. river fleet, said tonight that the levee had caved in half through, and there was a possibility that it would go through tonight or tomorrow, but that the people living in the basin which would be flooded, in case of a break, had been notified and had had ample time to move their stock to higher ground.

BUTCHEK LOSES APPEAL OF CASE

OPINIONS HANDED DOWN BY SUPREME COURT

Petition for Rehearing Based on Alleged Absence of Some Proof

The petition for the rehearing of the John Butchek case met a reversal yesterday, when it was denied by the supreme court. The opinion was written by Justice Brown. A short time ago the supreme court affirmed the decree of the lower court. Butchek is under sentence to death for the slaying of his wife, Elizabeth Butchek in Portland a year ago.

The petition for rehearing of the case was based on the alleged absence of proof of deliberation and premeditation, and that the evidence was all to the effect that there was no premeditation.

"The question of deliberation and premeditation is always one for the jury," read the opinion of the supreme court. "Following a full and complete instruction as to its duty in the premises, the jury in this case found that the defendant purposely and of deliberate and premeditated malice killed his wife. That verdict was based upon a sufficiency of evidence, and, as a matter of law, should stand. The petition is denied."

Other opinions handed down by the supreme court yesterday follow:

A. M. Austin vs. Tillamook City, appellant; appeal from Tillamook county; suit to quit title. Opinion by Justice Bean. Decree of Judge R. Bagley modified.

Ben S. Fisher, respondent, vs. W. A. Collier, appellant, and J. T. Collier, Max Moore and Moore, defendants; appeal from Coos county; action to recover money on promissory note. Opinion by Justice Belt. Judge Kendall affirmed.

Charles Palmiteer, Rhoda Beatty and Daisy Grossman, plaintiffs and appellants, vs. W. R. Reid; appeal from Clackamas county; suit involving title to real property. Opinion by Justice Belt. Judge J. U. Campbell affirmed.

M. Murray vs. Fireman's Insurance company of Newark, N. J., appellant; appeal from Multnomah county; appeal from judgement in favor of plaintiff on fire insurance policy. Opinion by Justice Belt. Judge Robert Tucker affirmed.

Elsie M. Hershey vs. Homer H. Hershey, appellant; appeal from Benton county; suit for divorce; suit dismissed in opinion by Chief Justice Burnett.

Tone Bockler, plaintiff, vs. J. J. Wurfel, defendant and respondent. (Continued on page 4.)

AL SMITH TO BE PROHI

Will Make People Believe in 18th Amendment, Says Borah

UTICA, N. Y., March 29.—(AP.)—Governor Alfred E. Smith, of New York, if nominated for president will not only declare for the 18th amendment and its enforcement, but will make the people believe in it, United States Senator William E. Borah, of Idaho, predicted in a address here tonight.

The chairman of the senate foreign relations committee, speaking before the Utica republican club, predicted also that the platform to be adopted by the republican national party will declare for the 18th amendment and its enforcement.

SLIDE BLOCKS HIGHWAY

Hillside Topples Over on Roosevelt Road, Traffic Barred

MARSHFIELD, Ore., March 29.—(AP.)—The Roosevelt highway between Marshfield and Coquille was blocked early today by a slide at China camp, where the road has been in uncertain condition since the fall of 1925, when the great hill loosened, swept away part of the pavement and covered the Southern Pacific tracks below.

The slide today covered the Southern Pacific tracks for a distance of 30 to 40 feet and the highway for a longer distance. Automobiles probably will be unable to pass before tomorrow.

EIGHTEEN MEN ENLIST

Announcement of Camp Brings Company Personnel to 60

Designation of the Gearhart grounds as the permanent camp of the Oregon national guard has sided Company B of Salem to enlist 18 new men in the past few weeks, bringing the company total to 60, according to Capt. Paul F. Burris.

As the full strength of the company is recognized 275 men, only six additional enlistments can be taken for summer camp duty.

NELSON DENIES MAKING ATTACK ON PROHIBITION

Plea Was for Aroused Public Conscience on Question of Drinking

SAYS ATTITUDE WRONG

Law Alone Not Enough to Stop Liquor Traffic, Especially Among Young People Who Are Most Affected

Denial that he is taking up arms against prohibition, as was suggested in the headlines that accompanied a statement credited to him in the Capital Journal, was made Tuesday evening by J. C. Nelson, principal of the Salem high school, at the same time that local citizens expressed their regret at the unfavorable light in which Salem students were placed by that article.

Nelson's criticism was intended to be constructive, he pointed out; a plea for a more definite and wholesome attitude against the liquor traffic, and a warning that the prohibition law alone will not make the nation, and particularly the young people, abstemious.

Job Not Finished The lack of definite convictions, and the inability properly to distinguish in these modern days between what is right and what is wrong, are the reasons for the prevalence more or less of liquor drinking among the younger generation, J. C. Nelson declared when interviewed last night regarding his recent stand on the prohibition situation.

"With the passage of the prohibition law," said Professor Nelson, "people sat back and felt that the job was finished. They built up a blind devotion to this law, not realizing that no law can be more than a symbol, and failed to continue persistently to create moral sentiment against drinking. Munsters began to poke fun at the law. Newspapers made light of liquor violations. Motion pictures assumed an air of the jocular in depicting scenes of drunkenness.

Difference Seen "The result has been the gradual building up of an attitude of indifference on the part of the American people, and bootleggers ply their nefarious trade with little fear of either moral or legal sanction.

"Recently, I had one of the young high school fellows in my

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SAPIRO CLAIMS LOSS OF INCOME

WORK AMONG FARMERS RUINED BY ARTICLES, ALLEGED

Lets Big Earnings Prior to Publication, but Records Lacking

DETROIT, March 29.—(By The Associated Press.)—Calmly, almost casually, with no trace of anger or bitterness in his voice, Aaron Sapiro told today a federal court jury his story of alleged libels by Henry Ford and the automobile manufacturer's weekly, the Dearborn Independent, for which he asks \$1,000,000.

Three sentences covered it. One revealed a falling off in net income since the independent published a series of anti-Jewish articles, with which Sapiro later was connected. The other two stated that since the alleged libelous publications no farmers had called upon Sapiro to form them into a cooperative agency and that only three established cooperatives had sought his services or advice.

Sapiro's success required more than a day for telling from the witness stand—a meager childhood existence, life in an orphanage, brilliancy in studies and a quick rise in professional life.

Such things as his plan for cooperatives being adopted entirely or in part, in 40 states, his appearance before the supreme court of the United States and the high courts of 15 states and his addressing the legislatures of six commonwealths, were touched upon as incidents.

Most of the day was devoted, however, to argument over the

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