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# The Oregon Statesman

FOUNDED 1851

Salem, Oregon, Saturday Morning, December 13, 1930

**THE WEATHER**

Cloudy; wind from south. Max. temp. yesterday 51 degrees; minimum 41. Occasional rains.

EIGHTIETH YEAR

No. 224

## COURT NOT TO FORCE ELECTION

### O'LEARY FACES CRIMINAL SUIT IN COURT HERE

Extradition to be Asked for Ex-Restaurant Keeper Who Fleed in '29

Arrest Made Los Angeles; Getting Money by False Pretense, Charged

R. J. O'Leary, former Salem restaurant owner who skipped town about a year ago, after his business here went to the wall and civil action was instituted for collection on part of some of those to whom he owed money, has been arrested in Los Angeles on a warrant issued out of the office of Justice of the Peace Brazier Small here.

Request for extradition papers to bring O'Leary north will be presented to Governor Norblad today, and as soon as they are obtained Sheriff Power will send a man south to bring the prisoner north to face the action brought against him.

Warrant Charges Money Obtained Fraudulently

The warrant on which he was arrested charges him with obtaining property under false pretenses, and was sworn out by a local merchant to whom he presented a bad check for goods. Prosecution will be handled by the state.

When O'Leary left town here he managed to take away practically all his restaurant equipment before any attachment could be made. His whereabouts remained a mystery for some time, until eventually a representative here declared O'Leary was starting in business elsewhere again and would make good all his debts here.

It is said that O'Leary, through his local agent, has attempted on several occasions to make good the check on which his arrest has been made. However, for reasons not given, so the rumor goes, the offer to cover the check was not accepted.

Failure to Pay Waitresses Arouses Much Indignation

Among the persons whom O'Leary owed when he left the city were a number of waitresses, and after his disappearance there was considerable indignation that he did not at least cover these debts.

Whether other actions will be filed against the former Salem man should be returned here to answer the charges against him remains to be seen.

The restaurant operated by O'Leary here bore his name and was located at 557 Court street, opposite the county court house and in a building now occupied by a miniature golf course. Excursions in the stock market and other high finance were said to have caused his break here, for the business itself was declared to have been making money had his interests been confined to it.

### Burglars Enter Home and Steal Valuable Watch

The home of Archie Elliott, 628 North Winter street, was entered Friday evening between the hours of 5:30 and 9:00 p. m. and an open-faced watch is missing.

Entrance was gained by way of the back door which the burglars locked behind them. They were evidently frightened away by the return of Archie Elliott since only a portion of the home had been searched. Several pieces of jewelry and a woman's watch were overlooked.

### \$1,160,000 Federal Funds Disbursed to Road Work

PORTLAND, Ore., Dec. 12.—(AP)—Executives of the bureau of public roads, the state highway commission and the forest service met here today and apportioned \$1,160,000 government highway funds to 17 road projects in Oregon.

### Ransom Sought For Missionary



Mrs. M. D. Hayward, American missionary from Seattle, is being held prisoner by Chinese brigands for a ransom of \$5,000. A rescue party, including American and British military officers, has started into the interior to obtain her release.

### NACKER DEFENSE IS ONE OF EPILEPSY

Alleged Murderer Held to Have Forgotten all of Episode at Lake

KLAMATH FALLS, Ore., Dec. 12.—(AP)—Attorneys for Donald Nacker, on trial for the murder of Fred Dunbar, Klamath insurance man, rested their case today after questioning several physicians and a psychiatrist concerning the conduct of a person subject to epileptic seizures.

Dunbar was shot and killed at Summit Lake last Labor day. Dr. Walter Schaller, San Francisco psychiatrist, answering 14 typewritten pages of hypothetical questions, testified that if conditions as represented were true, Nacker did not know right from wrong when he killed Dunbar and was, in his opinion, insane.

Dr. R. E. Lee Steiner, superintendent of the state hospital, and Dr. E. D. Johnson, Klamath Falls, formerly employed at the state hospital, gave similar opinions in answer to the same questions.

Defense attorneys have attempted to establish insanity as the cause for the crime. Rebuttal testimony of state and defense attorneys will be heard tomorrow.

The state contends Nacker planned the murder and planned to attack Miss Doris Bacon, who was with Dunbar at the lake. The defense has tried to show Nacker remembered nothing about the killing and has only a hazy recollection of his two-hour talk with Miss Bacon at the lake and that he became fully conscious only after he was driving rapidly away in his car.

### Blinkhorn Gets National Honor

J. E. Blinkhorn, county dairy and food inspector, has been appointed a member of the committee on methods of improving milk supplies in small communities, a committee of the International Milk Inspectors' association. Appointment was received yesterday by Mr. Blinkhorn. It comes in recognition of the fine piece of work he has been doing among the dairies of this county.

### NOBEL AWARD GIVEN LEWIS; CROWD CHEERS

American 'Babbitt' Creator Then Gives Extensive Views on Trends

Modern Realistic Writers of His School Praised; Speech Trenchant

STOCKHOLM, Dec. 12.—(AP)—Sinclair Lewis formally accepted the 1930 Nobel prize for literature today, meanwhile jabbing right and left at certain American institutions and Americans.

The creator of "Babbitt" and critic of things particularly a part of American life was careful to say that his remarks should not be regarded as "attacks."

Speaking to an audience that crammed the stock exchange hall and accorded him a tremendous ovation, Lewis vigorously defended himself against charges of being a literary "anarchist." He described in vivid terms his contemporaries in writing, with a word of praise for each.

Decider and Mencken Come in for Praise

Theodore Dreiser, "marching alone, usually unappreciated," and H. L. Mencken "with his boisterous jeering" came under review. "I cannot imagine these two," said Lewis, "being present at the serenely Athenian dinners of the academy, a perfect example of the divorce in America of intellectual life from all our standards of importance and reality."

He spoke of Ernest Hemingway, Thomas Wolfe and Thornton Wilder too.

"I salute them all," he said. "All the people in Lewis told me that he was a good man."

"One good pastor in California," after reading my "Elmer Gantry" desired to lead a mob and lynch me," he related. "Another holy man in the state of Maine wondered if there wasn't some respectable and righteous way of putting me in jail."

Brickbat for Brickbat

"I've now and then received some brickbats," he said. "I've heard a good many brickbats myself and would be fatuous not to expect to."

(Turn to page 2, col. 5)

### Rigid Economy Promises Meier Before Judges

PORTLAND, Ore., Dec. 12.—(AP)—Rigid economy and application of business methods to the state administration was promised by Governor-elect Julius L. Meier in an address before the state association of county judges and commissioners here today.

Meier urged the full cooperation of the counties in carrying out his program.

Retrenchment, however, is not enough, Meier said. More wealth must be added to the tax rolls and the state's population must be increased. This, he said, can be done by development of "our manifold resources; by providing cheap power that will attract industries and by a constructive land settlement program."

Testimony was concluded today and the case was continued until Monday when arguments will be heard. Witnesses were called by the defense.

The state alleged that June 10, 1930, Duncan printed in his periodical, "Duncan's Trade Register," libelous statements concerning Robert M. Mount, Portland better business bureau manager. Duncan recently was convicted in federal court for violation of the federal radio act.

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### Good News Spreads Fast; Men Come to Get Highway Jobs

The early bird catches the worm. So many Marion county men who are out of work believe.

Following word from Portland on Thursday that \$100,000 of federal funds had been allocated to Marion county for construction of the North Santiam highway, and word that the work would get under way as soon as possible in an effort to relieve unemployment to some extent, a number of men appeared at the county roadmaster's office yesterday to register for jobs on the road project.

The road master and the members of the county court have been in Portland since Thursday, so assistants left here requested those who might jobs to return Monday when the officers are home.

### COACH WRAY IS OUT; WARNER IS WILLING

Pennsylvania Gets Scalp of Mentor; 'Pop' Wants to Return to East

PHILADELPHIA, Dec. 12.—(AP)—"Lud" Wray, head coach of the University of Pennsylvania football squad, around whose head raged a storm of criticism, as a result of the season's showing of the team is out.

His scheduled three-year tenure was terminated late today in a brief statement issued by John Arthur Brown, member of the executive committee of the university council of athletics. It said:

"The council of athletics of the University of Pennsylvania announces that J. R. Lud Wray will not coach the football team next year or the year after."

There was no announcement of a successor and it is believed no one has been selected. Glenn Warner, head coach at Stanford university, has been mentioned as a probable successor.

PASADENA, Cal., Dec. 12.—(AP)—Glenn S. "Pop" Warner, football coach at Stanford university, said tonight when advised he had been mentioned as a possible successor to Lud Wray as coach at the University of Pennsylvania "I have heard nothing from the Pennsylvania officials, but I would be interested if they made me an offer."

Coach Warner said he had been out of touch with the situation for ten days and had not been advised Wray was out, but admitted he would like to return east.

Asked if a contract with Stanford might stand in his way, Warner said "there is no contract. My agreement with Stanford can be terminated very easily."

### Oregon Wildcat Again in Court On Libel Count

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### W. C. T. U. HEAD IS FOR HOOVER AT NEXT VOTE

Unified Board to war on Liquor Urged as Means to Brace Dr. Ranks

16 Leaders Chosen Wage Defense on Amendment Coming Campaign

WASHINGTON, Dec. 12.—(AP)—Dissatisfaction over conditions within the dry ranks was expressed today by two members of the temperance group's new "board of unified strategy," while a third, Mrs. Ella A. Boole, president of the Women's Christian Temperance Union, called upon President Hoover to say the W. C. T. U. had supported him in 1928, was for him now, and would be in 1932.

The two who hit out at the present set-up of the dry organizations were Oliver W. Stewart, president of the flying squadron foundation, and Clinton Howard, chairman of national united committee for law enforcement. Both were appointed Wednesday to the strategy board of 16 chosen by the national conference or organizations supporting the eighteenth amendment to map out plans for the defense of prohibition in the coming campaign. Stewart prepared today to resign.

Mrs. Boole also paid a call upon prohibition director, Woodcock, which the latter described as merely a "friendly visit." After meeting at the White House the day leader said:

"Houston W. C. T. U. Convention President Hoover. "We told Mr. Hoover that in the Houston convention of the W. C. T. U. there was nothing but high praise for the way he had stood by the principles for which the W. C. T. U. has worked."

Stewart said in a statement he believed it would be impossible (Turn to page 2, col. 3)

### \$8,000,000 GRAFT AIDE IS ARRESTED

Vice-President Arrested in Hollywood Crash; Says He Took no Funds

LOS ANGELES, Dec. 12.—(AP)—Rupert L. Fleury, vice president of the Guaranty Building and Loan association, which collapsed early today after Gilbert H. Bessemeyer, general manager, had allegedly confessed an \$8,000,000 embezzlement, was arrested late today after admitting to the grand jury he had known for some time of Bessemeyer's acts.

Fleury told the grand jury, members said, he had known of the defalcations for five years. He was ordered confined in the county jail.

"Loyalty to Bessemeyer" Said to Have Kept Lips Sealed

"I knew of his doings," he said. "But I couldn't tell on him. Loyalty to Bessemeyer kept my lips sealed."

Fleury's statement was made a short time after Bessemeyer had been indicted for embezzlement. The crash of the loan company came early today when, confronted by the board of directors and state building and loan commissioner, Charles A. Whitmore, Bessemeyer allegedly made a signed confession he had been misappropriating money for several years. The money, he said, was used to finance other ventures and \$400,000 was for personal loans to friends, for which he took unsecured notes.

There were rumors here, however, which members of the cabinet refused to discuss, that other troops had joined the revolt. This morning troops all over Spain were being mobilized and entrained hurriedly for Huesca, Ciudad Real and other points which have been hotbeds of attempted uprisings in the past which are reported to have been excited by the Jaca revolt.

When the garrison at Jaca revolted they imprisoned the military governor, Senor Hereas. They also seized a military lorry with which they later began their march toward Huesca.

1,000 Civilians Join, Horses of Guards Are Shot

At Ayerbe, where they were said to have been joined by about 1,000 civilians, they were reported to have shot the horses of the civil guard whenever an attempt was made to check them. Five of the civil guard were killed in the early hours of the revolt.

Within 30 miles from the French frontier, it is said to be one of the strongest military posts in Spain.

### Scene as Judge Lindsey Faced Arrest for New York Episode



Judge Lindsey's trial has been set for next Wednesday. He is shown here at the entrance of the Cathedral of St. John the Divine, New York City. The excitement started when the former judge stood up during Bishop Manning's sermon against companionate marriage and declared that the bishop was falsely representing him.

### 5 DIE BY REBELS' BULLETS IN SPAIN

All-Night Session Held by Cabinet; Battle Looms With Garrison

MADRID, Dec. 13, (Saturday) (AP)—Rebellious soldiers who turned against the government yesterday at Jaca were marching for Huesca early today, joined enroute by many civilians. It was feared a battle was imminent at Huesca, where the loyal garrison had already left its barracks to fight the mutineers.

MADRID, Dec. 12 (AP)—Five soldiers are reported to have been killed at Jaca by rebel forces, who are said to be marching toward Huesca. Major Ramon Franco, Spain's premier aviator, is reported to be at the head of the revolting forces.

The government called an extraordinary meeting of the cabinet at midnight to consider the situation. The five soldiers killed at Jaca were a major, a sergeant, a corporal and two privates of the civil guard.

All Night Sessions of Cabinet Discusses Matter

At Madrid the government held an extraordinary all-night session of the cabinet to discuss the situation. A government spokesman expressed a belief all the persons in northern Spain might be counted upon except that at Jaca.

There were rumors here, however, which members of the cabinet refused to discuss, that other troops had joined the revolt. This morning troops all over Spain were being mobilized and entrained hurriedly for Huesca, Ciudad Real and other points which have been hotbeds of attempted uprisings in the past which are reported to have been excited by the Jaca revolt.

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### Lindsey Will Be Tried on Two Charges

NEW YORK, Dec. 12.—(AP)—Former Judge Ben B. Lindsey's guilt or innocence in the disorder he precipitated at the Cathedral of St. John the Divine last Sunday will not be determined until next Wednesday.

Judge Lindsey appeared for trial today, but his attorney, Arthur Garfield Hays, moved to dismiss the complaint on the ground it was based on two different statutes without being specific as to either. Magistrate August Dreyer continued the case to December 17.

The former children's court jurist is charged both with disorderly conduct and disturbance of a religious service.

Bishop William T. Manning of New York, whose sermon in the cathedral attacking Lindsey's writings on companionate marriage and his character caused Lindsey to speak out and demand a hearing, was subpoenaed by Hays, but was not in court. It was understood he was readily accessible if needed.

### M'MAHAN ASKS FOR CHECKUP IN LINN

ALBANY, Ore., Dec. 12.—(AP)—Circuit Judge McMahon today ordered a complete grand jury investigation of Linn county offices and compensation received by officer holders other than fixed salaries.

The order was entirely unexpected since there had been little or no public discussion of alleged irregularities in the county courthouse.

The investigation order particularly stressed the sheriff's department. Sheriffs are allowed to collect \$5 a week for each prisoner boarded if four or less prisoners are boarded, or \$4.50 each for more than four.

Judge McMahon said the sheriffs have been charging the county board money when actually they provided only the raw foods and the prisoners cooked and served it themselves. This, he said, does not constitute board.

Judge McMahon cited the case of Lane county where, he said, he was informed prisoners were boarded for \$1.75 a week.

### Over \$500 Taken For Elks' Fund From Minstrels

Between \$500 and \$600 was added to the Elks Christmas cheer fund Thursday night by the 1,500 people who came to see the Elks minstrel given in Bligh's Capitol theatre. The Elks and the Capitol theatre shared honors in this particular part of collecting funds with which to dispense cheer and a bit of happiness December 25.

The success of the entertainment was much better Thursday night with one night only for the performance than it was last year with two nights for the performance and a higher price charged for seats.

The Elks are still working and will be until right up to December 25 so that any one interested may still contribute that which he can and it will find a worthy place in which to be placed by "Bob" Cole and his helpers.

### MATTER ONE FOR NORBLAD

Mandamus Suit Lost; Discretionary Power Pointed to

Court Also Holds Official Should Have Been Plaintiff

Sustaining the demurrer made by the state to the mandamus proceedings brought by George Putnam to compel Governor A. W. Norblad to call a special election in Marion county, the state supreme court late yesterday held the issuing of writs of election lies within the discretionary powers of the chief executive and declared the court was without authority to compel him to hold the election.

The court acknowledged the full right of the executive to have an election if he saw fit but pointed to his reasons for waiting until the coming session of the legislature to determine the matter, as sufficient basis for deciding the entire matter a discretionary and not a ministerial duty of the governor.

As the matter now stands, the choosing of a successor to the late Senator Lloyd W. Reynolds will wait, as urged by Governor Norblad, until next month when the question will be laid before the legislature.

Court Willing to Let Matter go to Legislature

The court pointed out in its decision that the legislature may ask Governor Norblad to call a special election by enacting legislation to that effect. The court did not state whether it deems the appointment of a successor to the senatorship a valid procedure under the state constitution.

In the decision in the mandamus proceedings written by Justice Bean, two salient reasons for refusing the mandamus order are given. The first is that the instigator, as a private citizen, was no more harmed than any other individual and consequently the action should have been brought by an official, preferably the attorney-general or the district attorney.

The second reason cited lies in the fact that the courts have repeatedly held that they have no authority or power to interfere by mandamus with the governor upon questions involving his judgment and discretion. Nor can he be compelled by mandamus to perform duties which are partly discretionary and partly ministerial.

Time for Holding Vote Held Crucial Matter

The court points out that the crux of the entire matter lies in the time the governor must call the election and the justice recites that this matter rests (Turn to page 2, col. 1)

### John D. Jubilant At 125-Yard Drive, Gives Lavishly

ORMAND, Fla., Dec. 12.—(AP)—John D. Rockefeller, playing golf at 91, and his old caddy, General Adolbert Ames, sitting home at 95, looked at life differently today.

"I must give away some dimes after that splendid shot," said the former oil magnate, actually, after a 125-yard drive off the first tee during his daily golf round.

Rockefeller then presented shiny Decois to his playing companions. Mr. and Mrs. David H. McConnell, and called over three visitors and two newspapermen who received similar gifts.

Ames, oldest living general of the civil war, was Rockefeller's golfing partner for years before he recently became afflicted with eye trouble. Sitting in his modest home across the Halifax river, he said, though not cynically:

"There's no use living to be 95. You can't see or hear any longer, can't see or hear very well, and you become more or less a curiosity."

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