La President & Leveld

Defense Argues Woman had No Part in Slaying; State Insistent

Motion Perfunctory as to Editor; his Side of Case to be Told

EUGENE, Ore., May 11—(AP)
-The state's case against Mr. and Mrs. Llewellyn A. Banks, on trial here for first degree murder for the death of George Prescott Medford constable, was rested late today and the defense immediately moved for a dismissal of the charges against the two.

The defense directed its arguments particularly, however, at the charge against Mrs. Banks, declaring that the state had failed to offer pertinent evidence to connect her with the slaying of Prescott, shot to death March 16 when he attempted to serve a warrant on Banks at his Medford residence.

Circuit Judge G. F. Skipworth adjourned court before the arguments were completed, and indicated that tomorrow morning he would hear further arguments on the interpretation of the law before passing on the motion. Woman Knew Intent

Of Husband, Claim Prosecuting attorneys answered, in opposing the motion, that Mrs. Banks had been shown to have taken a part in the affair, knowing of Banks' intent to shoot the officer or any other officer who came to their home. He had been indicted in connection with the theft of several ket continued very firm and dealthousand ballots from the Jack- ers were anxious to buy. The top son county court house and the warrant Prescott carried was for his arrest on that charge,

band's letters threatening bloodshed against any officer who warrants." Ralph Moody, chief of the prosecution counsel said. "She knew what would happen if they came, and she put the burglar chain on the door when Prescott knocked. She opened it just wide enough to insure a dead shot and then jumped back when her husband shouted 'Look out'. She is just as guilty as Banks and the facts of the case are for the jury to decide.

Motion Not Argued As to Man on Trial

No argument was presented on the motion as far as it concerned Banks. The defense has indicated that should the judge order the trial to proceed, it will offer evidence designed to prove that Banks, a former editor and orchardist, was mentally affected when he shot the officer because he had been persecuted by county officials whose resignations he had repeatedly and vig-

orously sought. Captain Lee Bown of the state police, one of the last witnesses for the state, today testified that Banks had denied he shot and killed the constable. The state had given no previous indication that the former editor had denied he killed Prescott,

Car Regained **Quickly With** Aid of Radio

Score thrice again for Salem's police radio station. An automobile stolen here last

night was recovered by city officers 21 minutes after the theft report was broadcast. The car was stolen from L. R. Baker of

Arriving in Salem one jump

behind two transient men wanted on grand larceny charges, two of from 20 years to life imprison- Lyle was released on his own deputy sheriffs from Cowlitz ment. Wash., last night requested city police to radio a description of the fleeing men to state police cars south. State efficers picked up the call and arrested the two transients at Al-

Working from a Salem radio report, state police also found an automobile that had been stolen in Albany.

Waters Favored For New Leader, Fraternis Club

Dr. Kenneth H. Waters was recommended by a nominating committee to be president of Franations were: Shannon Hogue, vice-president; Albert L. Adolphson, treasurer, Stephen Mergler, bers of the group, it read:
secretary; Vernon Perry, Reed
Rowland, Willard L. Kapphahn, "We fishermen of Cottardi, Rowland, Willard L. Kapphahn,
T. H. Tomlinson, Willard Marshall and Richard Stolz, directors.

The reasons we are taking president, will also be a director,
The club election will be held

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Storms in Southland Cost 250 Lives



Here are two scenes in Yazoo City, Miss., typical of many in the wake of the tornado that roared through four states in the Southland, taking a toll of nearly 100 lives. Top photo shows one of the principal streets where scarcely a single building was left undamaged by the storm. Lower picture shows inhabitants with what household effects they managed to salvage from their ruined homes. Tornados have caused more than 250 deaths in the southern states this spring.

BUT SALE SLACKING

Growers Afraid to Suggest Price for Fear They'll Get it; top is 66

No hop sales were reported here yesterday, though the marprice of the season holds at 66 cents per pound on a 250-bale leal between dealers. Offers of "She took dictation of her hus- 68 cents were refused yesterday, and there were unconfirmed reports of options at 70 cents.

Growers are holding tight and as one man put it "We're afraid to name a price for fear we'll get it." With the stalemate in deals, there is little doubt but that growers will hit the 75-cent money that looked like an Utopian bonanza only a few weeks

In Oregon, less than 10,000 ures, 9,536 bales, of all ages are on hand now in grower and City, 417. grower-dealer hands, a check made yesterday shows. At 75 cents a pound, these hops now on hand would be worth \$1, 500,009. It is estimated a milcome into Oregon on hop deals in

the last 30 days. This is the lowest point to which holdings have dwindled in many years, and indicates how heavy has been the sales since last October.

Brewery operations are largely cause of the spectacular boost in hop prices. The increase in the price, as well as the prohibition status, has also caused a heavy increase in hop acreage, variously estimated in Oregon at between 3000 and 5000 acres. These new hops will not be any real factor in the market until the 1934 picking.

Finds Schoolboy Is Murderer in

Harry Murch, Queens schoolboy, later. was convicted of second degree murder tonight for the slaying of man and a woman friend got into a 12-year-old neighbor boy, Willie Murch, whose family says he is

16 but who the state says is 17, where both climbed out of the heard the verdict without the taxi. Soon the driver took a hand. quiver of an eyelash, but his mother fainted. The verdict carries a penalty

Salem Golf Team Low in **Medal Round**

PORTLAND, Ore., May 11 -(AP)-The golf team from Salem high school came through the qualifying round of the state high school tournament at Lake Oswego country club today with an aggregate score of 334 to win team medalist honors.

The capital city team, which won the championship last year chance to repeat this year. The West Linn team, playing on its home course, was looked upon by fans to furnish the Salem players with their strongest competition.

Individual low qualifying honors went to Oscar Wanker, number one man of the West Linn team with a 75, two over par. Aggregate scores:

Salem, 334; West Linn, 351 University high of Eugene, 363; Eugene high, 366; Milwaukie, 368; Parkrose, 372; Columbia bales of hops, or in exact fig- Prep, 375; Astoria, 386; Corvallis, 382; The Dalles, 410; Oregon

Matches will be played starting tomorrow morning when Salem will be matched with Columbia Prep (8 a. m.), University high with Parkrose, Eugene with Million dollars in eastern money has waukle, West Linn with Astoria, and Corvallis with The Dalles. Oregon City will play later.

When John Doe Lyle of Portland, whose real name is said to be Emory, allegedly took a punch at the eye of a local taxicab driver Wednesday night, he started something which will be finished before Judge Miller Hayden Friday afternoon at 2 o'clock.

Of course the taxicab driver got a black eye, but John Doe Lyle Second Degree got the sheriff's office on his calling list at a local hotel about 1 a. m., and a little visit to the jus-NEW YORK, May 11-(AP)- tice of the peace a few minutes

It seems it all started when the a wordy war while riding in a taxi on the outskirts of Salem. Verbal hostility reached a point whereupon the defendant took another hand with a right to the T. D.'s eye.

Washington Gillnetters To Start Fishing Today

ASTORIA, Ore, May 11 - | quit. We did so and complied (AP)-Fifty-five fishermen from with all the requests of union Altoons, Cottardi and Vernon's they would close the whole river: landing, all in Washington, serv- that the strike would be over ed notice on the Astoria gill- right away; and we could get netters tonight that they will eight cents. They asked us to take their boats out on the Columbia river tomorrow morning then changed to Wednesday and despite the strike that has kept 4000 Oregon and Washington gillnetters off the Columbia since the season opened May 1. A delegation of the rebelling gillnetters came to Astoria, externis club during the coming six hibed a statement to a representative of the Associated Press, The Spa last night. Other nom- and asked him to notify the and asked him to notify the strike headquarters of its contents. Signed by about 30 mem-

stay off the river until Monday; then told us to wait until Thursday night and if the strike is not over tonight we are going to start Friday morning. with us now but a question of

"We were promised gas to pa-trol with, also food. We patroled with our own gas and have never received help in any way except two packages of tobacco."

The men who brought the

DROP PROPAGANDA

Second Plane Visit Warns Chinese: Tokyo Denies Intent to Occupy

PEIPING, China, May 12-Friday-(AP) - Another unidentified airplane flew over Peiping today scattering handbills similar to those dropped by a bombing plane, supposedly Japanese, yes-

as Japanese today, flew much lower than was the case yesterday, going directly over the legation quarter, including the United States marine guard compound.

PEIPING, China, May 11-(AP)-City wall of this old capital bristled tonight with anti-aircraft guns, rushed into place by military authorities who fear repetition of a visit by a bombing airplane, supposedly Japanese. The aviator dropped leaflets

addressed to "fellow Asiatics" and warning that Peiping and its sister city of Tientsin, where about 2,500 Americans live, would be besieged if the Chinese continued their defense of north China

TOKYO, May 11-(AP) war office spokesman said today new Japanese offensives are planned in north China, but Peiping "will not be occupied at this If Chinese "provocations" are

continued, he added, however, "it is impossible to forecast events," Japan being determined to force the Chinese to beg for an armis-New thrusts into hitherto untouched territory were reported

by Rengo (Japanese) news agency, which said seven infantry brigades and one calvary division are Chinese wall. Two thirds of these in the field south of the great forces are commanded by General Muto, supreme Japanese commander on the continent.

ARGE GROUP WILL **GET RELIEF WORK**

Preparations were begun yeserday to send between 1600 and 700 men to work on county coads under the R. F. C. relief begin then. The nearly total deearly summer rush of employment, it is believed.

June represents a small reduction from the crews working in April, according to D. D. Dotson, assistant manager of the U. S.-Y. M. C. A. Employment bureau.

Approximately 225 men have been dropped from the relief lists because they either have obtained other employment or have not shown up for work. Only a few new applications for jobs are bereceived.

"It is not a question of price Michigan Backs Child Labor Law

WASHINGTON, May 11—(AP)
—Michigan, ratifying the child iaor amendment today, was the 11th state to take such action on

PRICES, WAGES

Ticker Can't Keep up With Deals in Staples and **Principal Stocks**

Increase in Sales on West Coast is Reported by Federal Reserve

(By the Associated Press) Further wage increases, recall of employes, and buoyant stock and commodity markets brightened the American business picture yesterday.

tions.

Manufacturers of shirts, steel and other varied industries reported better business.

The U. S. department of commerce added an optimistic note by citing statistics revealing a sharp rise in wholesale commodity prices for the week ended May 6.

Waves of buying sentiment in the principal financial markets tossed stocks and staples to new highs. The ticker couldn't keep up with the transactions. Federal Program Provides Impetus

Cotton mills in Texas reported increased business and additional employment. Five hundred men were recalled to their jobs in Fort Worth mills the past few weeks, and four other plants in the state have begun day and night operations. A number of business men vot-

ed confidence in the future by announcing salary boosts. Many explained their actions were impelled by the government's program for industrial rehabilitation. Stepping up for operations and stimulated interest on the part of the buying public were contained in the following reports:

New York-Dow, Jones company announced the Western The plane, which was accepted Union Telegraph company earned in excess of \$600,000 net in March after a deficit of about \$1,-000,000 in the previous two months.

San Francisco-Official figures of the Federal Reserve bank of (Turn to page 2, col. 3)

FISCHER CASE DUE

First suit involving the Fischer Warehouse company of Silverton will go to trial in the federal court in Portland today, with the American Surety company as plaintiff. The Silverton concern closed its doors last August 1. supposedly with no grain on hand to cover many outstanding warehouse receipts.

There are two cases in federal court brought by the surety company, against whom receipt holders have made demands in connection with a total of \$15,000 bonds of the surety company furnished the Silverton concern. About 100 defendants, holders of the warehouse receipts, are named in the surefy company's action. One suit asks establishment of claimant's rights on a \$4,000 bond paid into the court; the second seeks cancellation of an \$11,-000 bond on basis of fraud.

Boesser, 70 Dies Of Heart Attack On Street Here

Believed to have suffered heart attack, H. G. Boesser, 70, laborer, slumped to the sidewalk in front of the United States National bank yesterday and died within a few minutes. Coroner L. E. Barrick, who took charge of the body, learned that plan next month despite the fact the elderly man had since Octhat the fruit picking season will tober lived at 146 North Front street. For the past seven or struction of strawberries and more years Boesser had wintered raspberries by the winter freeze here and in the summers had will greatly diminish the usual worked in the Hood River and other orchards.

No relatives of the elderly man The number of men who will had been traced last night. It obtain the relief work during was belived two sons lived in some eastern state. The body is in charge of the Clough-Barrick company.

ate Sports

PORTLAND, Ore., May 11. -

AP)-Don Hendrie of the Salem won the championship in the 125-pound class in the Pacific Northwest association wrestling tournament which closed here to-night. All the championships went to Gregor entrants.

Max Bigby, Salem Y., was eliminated in the semi-finals by Noel
L. Franklin, Portland, in the 145-

ound class, Champions are: Albert L. Gibson, Portland, 115; Don Hendrie, Salem, 125; Dick Biebendorf, Portland, 125;

Beer Laws Violate Constitution Rules Jurist in Colorado

State and National wet Enactments Evasion of Amendments, Held; Eyed at Washington As Test Case Long Expected

REELEY, Colo., May 11.—(AP)—State and federal 3.2 beer laws were held unconstitutional today by District Judge Claude C. Coffin and he upheld the city in its refusal to issue beer licenses.

Judge Coffin ruled that the state and federal laws are "clearly invalid" because they "seek to thwart and evade the dry amendments in the United O

He denied the Greeley Elks b and Fred N. Fetch, cafe owner, a writ of mandamus which WILL BE SENT EAST they sought to compel the city council to issue the licenses. Attorneys for the petitioners, Harry N. Haynes and Charles C.

Townsend, indicated their clients Extensive log Traffic on would appeal the case to the Colorado supreme court. Willamette is Forecast WASHINGTON, May 11-(AP) By Operator Here The decisions of Judge Claude Coffin in Colorado that the

state and federal beer laws were (Turn to page 2, col. 3) from Charles K. Spaulding, lumber operator here, go east this weekend to be used in the hearing before the board of engineers for rivers and harbors. That group will consider canalization of the Willamette river at a hearing held May 17 when William P. Ellis will present the case for this section. "In my opinion the estimated

movement of 600,000,000 feet of logs suggested by the district engineer is entirely conservative," Spaulding states in his letter. "In all probability the log movement within a few years will substantially exceed this amount." In his statement, Spaulding further comments on the benefit the

canalization of the river to Salem would be to timber in the Wiltions here, probably before the lamette valley. He expresses the summer is over, with a fruit juice viewpoint that Portland mills and output an integral factor in the those down the Columbia river business, was announced here will more and more depend on italized at \$125,000 with Frank of supply and also that interior T. Schmidt, Kola Neis and Ross mills will be benefitted by being H. Wood as incorporators, will able to compete with water carutilize the old Salem brewery on riers. "Approximately 60 per cent of

Frank T. Schmidt will be brewthe lumber of the northwest now master and in charge of the fruit moves by water to foreign ports," juice division, and Kola Nels will Spaulding says in his statement, be business manager. The juice "as well as to California and the end will bring an additional mar-Atlantic coast. The proposed imket for local fruit growers, and is provement would make these marexpected to work considerable kets available to the use of barge service from the mills along the Willamette to shipside at Port-

LONDON, May 11-(AP) .-

The tariff truce which Norman H.

Davis hoped to inaugurate today

with the solemn agreement of the

eight nations composing the world

economic conference organizing

committee appeared indefinitely

delayed tonight with even the

it about may fail altogether.

bare chance that efforts to bring

Instead of the assent which had

been confidently expected from

Germany as early as yesterday

noon, the Reich government ad-

vised Mr. Davis, the special Amer-

ican ambassador to Europe, and

the British government that it

must study the armistice further

course was perfectly proper and

every right to study the proposals

HOLD SLAYER SUSPECT

PORTLAND, Ore., May 11 -

(AP)-Finger print expert Sid-

ney Payne of the Portland police

bureau said tonight he had iden-

tified Charles Granland, 44, ar-

rested here today, as a man

wanted in Virginia, Minn., on a

works bill as originally drafted

does not allocate any particular

amount of money to any state and

does not specify any particular or

specific project. He said the funds

would be administered by an ad-

ministrator who would pass upon

"A strong effort is being made

to have the bill modified so as to

allocate a specific amount for

roads and highways and have the

funds administered under existing

facilities," Devers' telegram read

"I have arranged a conference for

tomorrow with the Secretary of the Interior and Secretary of War. I will have additional information

Devers asked Baldock to send

projects, together with the type of improvements, the estimated costs, and the number of men that

each project submitted.

Friday or Saturday."

would be employed.

Officially, it was said

before giving an answer.

as long as it wishes.

Articles of incorporation will be filed shortly, it is said, with capital of \$125,000 in dollar shares, two-thirds of which will GERMANS HOLD UP be preferred stock at six per cent, and the rest common stock. The incorporators have taken

an option on the old brewery from 8. R. Stevenson, who got the property on a tax sale. The question of title, now in circuit court, will be cleared early next week, it is anticipated, and the option will be closed immediately.

Firm Capitalized \$125,000

To Utilize Brewery on

South Commercial

Resumption of brewery opera-

resterday.

benefit.

South Commercial.

Attorneys say the city charter dos not prohibit manufacture of malt beverages here.

Before prohibition there was 88 breweries on the Pacific coast. and at present there are 11, it is Portland and Medford recently announced construction of new plants, and the local one will add a third new manufacturer.

Police Break Up Baseball Teams; Say Bats Stolen

PORTLAND, Ore., May 11 -(AP)-Police here today said they had exposed a scheme for that the Berlin government has shoplifting worked successfully for several months and implicating 50 boys, most of them of grade school age.

Confessions have been obtained from 25 of the youngsters, officers said, and at least two grade school baseball teams will be forced to disband because most of their equipment was stolen from stores and will be confis-

M. Devers, counsel for the high-

way commission who is now in

Washington appealing for road funds for Oregon, R. H. Baldock.

state highway engineer, outlined

expenditure of \$25,000,000.

projects which would call for the

The proposed program, as out-lined by Baldock, would include

several forest projects and a num-

ber of toll bridges which it was

proposed to construct on the Ore-

gon coast highway. The inclusion

of a toll road program would

make it necessary to increase the financial demands to \$30,000,000. Baldock said the \$25,000,000

program would provide for the employment of approximately 10,000 men over a period of two

struction program outlined by Baldock would include work on

25 Million Dollar Work

Program Sent to Devers

In response to the request of J. | that President Roosevelt's public

years, and would go far toward him a list of the proposed Orego relieving existing labor conditions projects, together with the typ in this state. The revised con-

A telegram received here aggregating a cost of \$75,000 Thursday from Devers indicated will be considered at this session.

Injunction Against Arrest is To be Dissolved Today: Appeal Considered

Formal Nullification Also Suggested: Council's Help Doubted

DEVELOPMENTS IN BEER SITUATION IN SALEM

Injunction to day. Petition out urging council te

Kahle trial pending. Assembling on the eve of the

formal dissolution of the court erder enjoining the city from enforcing its anti-beer ordinance, between 50 and 60 Salem businessmen at the Marion hotel last Letters and a sworn statement night took counsel as to means of permitting the sale of 3.2 per cent beer in the city. Appeal from the adverse court decision, nullification of the enforcement ordinance, and initiation of a new ordinance all received consideration.

Mayor Douglas McKay and City ttorney Kowitz attended the meeting. One of the suggestions held up as possible of lifting the ban on 3.2 beer is an order, either from the city executive or from the council, nullifying the enforcement ordinance which gives effect to the city's charter prohibition amendment. The situation then would be the same in Salem as throughout the state. Appeal of Kahle

Case not Certain Whether or not Carl Kable backed by a group of businesamen will appeal his suit to the supreme court was not decided last night. In the initial suit, he sought to have the city permanently restrained from enforcing its beer ordinance on the grounds that the law controverted the congressional beer bill and the United States constitution.

At 1:30 p. m. today, Carson & Carson, attorneys for Kahle, will have a hearing before Circuit Judge Lewelling in regard to the form of the writ he is to issue dissolving the injunction against the city. It is understood one purpose of the hearing is to clear the way for a possible appeal of Judge Lewelling's adverse decision, which held the city's beer ordinance valid.

Faint hope was held by the business group that the city council could be prevailed upon to reconsider and enact a bill permitting and regulating the sale of the 3.2 per cent brew. Indecision prevailed as to whether or not any move in this direction should be instituted before July 21, when the city will vote on revising the harter prohibition amendment.

From men attending the meetng, it was reported that every (Turn to page 2, col. 1)

Eleven Girls In Detention Home Burned

MANILA, P. I., May 12-Friday-(AP)-Trapped by bars, 11 girl inmates were burned to death early today when fire destroyed the Philippine training school for girls, a government reformatory. Police, asserting they suspected arson, also grilled a matron regarding efforts made to release

the victims. Eighty - one inmates escaped from the building. Property loss was small.

Ten of the girls who perished vere locked in a detention cell on the ground floor of the building. Police said the legs of two were

A frightened guard made a vaim effort to unlock the door-of the cell, police asserted, then fled, All the victims were in their

The Day in Washington

By the Associated Press . . 25,000 unemployed veterans in forest conservation corps.

Budget Director Douglas conferred with democratic leaders on bonus payment question as veter-ans' groups converged on capital.

Attorney General Cummings announced investigation of income tax evasions by Andrew W. Mellou made on House floor by Representative McPaydon

Secretary Swanson ordered broad retrenchments in navy's ore establishments.

President Roosevelt's special simulation virtually completed legislation combi