EIGHTY-FIFTH YEAR

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#### No. 295

# 12 Jurors Holding Secret of Kyle's Fate

## Waste Charges At 8 Aldermen

Asks District Attorney to Act; Says He Will Sign Complaint

Claims Council and Water Commission are Guilty of Malfeasance

P. M. Gregory, ex-mayor, could hardly wait until the John Kyle murder case was completed yes terday to confront District-Attorney Trindle with charges that eight city council members and five members of the water commission were guilty of "mal feasance in office.'

Gregory insisted last night that he would sign a complaint against these men charging that they were wasteful and extravagant in the expenditure of public funds. He asserted the council had no right to delegate any power to a committee for constructing an addition to the existing system. He also charged that no funds could be taken from current revenues of the water system here to buy land for a new reservoir for the system. Four thousand dollars was thus diverted Monday. Trindle to Hear

Rest This Week Kyle case, which has occupied him | senate tomorrow. for nine days in court, that he Connally Attacks did not have time to hear all of Bill Bitingly councilmen with malfeasance.

ing. Carl Armpriest, Brazier discretionary spending provisions. Small, Ross Goodman, Don Young, H. H. Olinger, E. B. Perrine, Van

"There are only three things time," Gregory declared. "It can | 000. use the revenue from the plant for the payment of interest, bond principal and for improvements to the distribution system. Until the source has been determined and the plant completed by the council the commission can make no capital investments."

do with the determination of a source of supply. I am tired of seeing public funds wasted and

Charges Based on Appropriation Vote

The specific charge against the mayor and the eight councilmen named by Gregory will be based on their vote at Monday night's council meeting appropriating the remaining \$46,303 in the water bond fund to the water construction committee for use in the construction of the new reservoir.

Gregory's contention is that every act in the construction of (Turn to Page 10, Col. 1)

#### Georgia County's Vote Is For F. R. The petitioners allege that they have been refused the use of the

DONALSONVILLE, Ga., March of President Roosevelt over Gov. Eugene Talmadge in the nation's first presidential primary test.

The complete official tabulation announced by G. B. Garwood. they want the court by manda- stitution. Father Michael J. Early election official, gave the vote in mus, to compel the armory board said contractors will have unti the preference primary, which is to set that date aside for them 'March 12 to submit offers. not binding, as 661 for Mr. Roosevelt, and 120 for Talmadge, his outspoken critic.

#### Triplet Birth Makes 7 Born In 33 Months

WALLA WALLA, March 4-(A)-Mrs. Andrew Jackson Robertson, 39-year-old farm wife, bore triplets today, becoming the mother of seven children in a period of 33 months.

The mother and two of the children, the boys, were doing well late in the day, Or. A. E. Lange reported. The girl, the first child born, died within a short

On June 2, 1933, Mrs. Robertson became the mother of twins, a boy and a girl. Again on Oct. 2, 1934, a boy and a girl were born. All are still living, along with two other children, born singly.

## Gregory Hurls Less Drastic Tax on **Corporation Incomes** Hinted, Secret Meet

15 Per Cent of Undistributed Surplus May Escape 33 1-3 Per Cent Levy; "Windfall" Tax of 90 Per Cent on AAA Refunds Talked

WASHINGTON, March 4—(AP)—Hints of a less drastic tax on undistributed corporate income emerged tonight from the day's second secret session of treasury experts with a house ways and means sub-committee.

Chairman Samuel B. Hill (D-Wash) told reporters "it had been suggested" that a portion of such income be taxed at a less severe rate than the 33 1-3 per cent proposed by the

Under the suggestion, it was explained, the government would tax all such income, the bulk at 33 1-3 per cent. How-Oever, a portion-15 or 20 per cent

was the ratio mentioned-would

It was on treasury estimates,

lecting an average of 33 1-3 per

cent of all undistributed corpor-

ate income, that President Roose-

velt suggested yesterday his pro-

posed wholesale revision of cor-

(Turn to Page 10, Col. 2)

**Students Prepare** 

Big Event Saturday on

W. U. Campus

Preparations for Willamette's

28th annual Freshman Glee, to

be held in the gymnasium Satur-

day night, went into their heaviest

stages yesterday as the four com-

peting classes began marching and

countermarching to perfect the in

The large platform, arranged in

six steps, on which the classes

march to present their original

songs was completed in time for

one of the classes to practice be-

fore most people were out of bed

A serenade theme has been cho

sen for this year's glee and the

rhyme with moon and tune are

heard daily from various spots on

the campus. The class of 1936-

seniors this year - has won the

glee three times running, a record

and competition is keen among

the other classes for the honor of

tumbling the seniors out of their

place of glory. Helen Benner of

Salem, who composed all three of

the winning songs for the class of

'36, has again written the sen-ior's song. It was with a seren-

ade song that the class of '36 won

its first glee as freshmen.

tivities over station KOIN.

Portland School to Get

\$100,000 Science Hall

yesterday morning.

#### Senate May Pass escape with a lower levy, Billion and Half Yield Predicted Power Bill Today known to have been based on col-

Norris Fends Off Efforts to Restrict Rural Electric Plan

WASHINGTON, March 4 .- (AP) Backed by a wall of administration support. Senator Norris (R-Neb) today beat back attempts to pin new restrictions on his \$420. Trindle last night said he was | 000,000 rural electrification bill By busy at the completion of the and hoped to put it through the

the former mayor's allegations. While administration leaders He said he would hear Gregory's predicted the path of the bill story this week and determine would be reasonably smooth, it whether there was any legal basis ran into bitter opposition today for filing a complaint charging from several senators. A biting attack was delivered by Senators Councilmen complained against | Connally (D-Tex) and O'Mahoney by Gregory were Merrill D. Ohl- (D-Wyo) against certain of its

By agreement with President Roosevelt and departmental exe- tricate drills they present as parcutives, Norris introduced an of the competition amendment to trim the bill from Platform Set Up the water commission can use its original 10-year \$1,000,000,revenue funds for at the present | 000 authorization to \$420,000,

tomorrow to be matched against one by Senator King (D-Utah) who proposed to cut the sum to

Although a number of amendments were added, the general These charges have nothing to purpose of the bill remained the lilting tunes with lyrics that same - to lend money to rural communities, farm cooperatives and to farmers for generating and the system handicapped because distributing plants and electrical equipment, thus financing delivery of power where none is available from private sources.

### Silverton Vets **Demand Armory**

A neighborhood squabble over the plant and the pipeline to the was carried into circuit court here Santiam must be approved by the yesterday when Silverton Post No. council and that this authority 3004, Veterans of Foreign Wars. filed a mandamus petition requiring the Silverton armory board to allow the vets to hold their meeting in the armory.

armory although they assert they are fully entitled to it under rules 4.-(P)-Democratic voters of Semi- of the armory board of the state.

Plaintiffs claim there is ample

## **Colby Assails** Senate Probe Of Telegrams

Wilson State Secretary's Named With 18 Firms, Persons in Quiz

Lobby Committee Ready to Fight Challenge to Subpoena Right

NEW YORK, March 4. - (AP)-Bainbridge Colby, secretary of state under Woodrow Wilson and a leading democratic critic of the present administration, assailed seizure of telegraphic correspondence by the senate lobby committee tonight in an interview with the Herald Tribune.

"I have not ever represented ed as saying. "If my name was included among those whose telegrams were seized, it shows the desire to harass anybody they feel is unsympathetic or critical to the new deal. . . . "Just Another of

New Deal Infamies" poration taxation would yield not

NEW YORK, March 4. - (AP)-To Present Glee The Herald Tribune published a list of persons and organizations Serenade Is Theme For

International Mercantile rine company.

Roosevelt Steamship company. National Organization, Inc. Sentinels of the Republic. Women's National

G.O.P. Club Included Women's National Republican

ssociation National Council of American Shipbuilders, Inc.

American Liberty league. National Woman's party. (Turn to Page 10, Col. 1)

## White Ethiopian Victims Mystery

3 Unidentified Bodies Are Found, Battle Area; May Be Doctors

The losing class is traditionally (AP)-An unofficial report said the bound to submit to a ducking in the Mill stream that flows by the campus. The present juniors have recent battle area between the premiership. received the ducking for the last Tembien sector and Amba Alaji. Fascists guessed the three, as For the first time in history the yet unidentified, may have been freshman glee will be broadcast a British doctor, an Indian docthis year. Art Kirkham, sports tor and an Australian, whose adcommenator, will describe the fesdresses were found on two Poles captured recently and sent to Italy. These doctors were with an Ethiopian Red Cross unit.

(Two Poles, Dr. Maximilian Stanislaus Below and Thadeus Medynski, a Warsaw newspaper correspondent, who were serving in the Ethiopian Red Cross surrendered February 16 in the battle of Amba Aradam and were sent to Italy as prisoners of war).

Nelson to Return Today To Salem High Position

J. C. Nelson, head of the Salem high school history department, will return to his classes today, it was announced last night. Nelson, former principal, suffered a been confined to his home since

## **Late Sports**

SEATTLE, March 4-(AP)-Seattle's Seahawks, early season cellarites, tonight tightened their hold on first place by beating the Edmonton Eskimos, 4 to 1, leaving only Portland a mathematical chance of finishing first in the Northwestern Hockey league.

PORTLAND, March 4-(AP)-Chief Little Wolf, 220, Trinidad, mony today was not disclosed and Colo., defeated Mayes McClain, as Thompson, 27, discharged nav- no official information about the 225, Tulsa, Okla., two of three al sailor. Thompson was indicted espionage inquiry could be ob- falls in the main event of the

Thompson is in fail in default before the grand jury later. | Va., grappled an hour to a draw. | gard of Salem.

#### Wilson Cabinet Member Quizzed



BAINBRIDGE COLBY

#### Treason Tribunal On Union Counsel Set Up in Japan way subpoenaes were served on counsel for the union calling for

22 Officers Face Trial; No Progress Made in Choosing Leader

TOKYO, March 5. - (Thursay)-(P)-Emperor Hirohito commanded Foreign Minister Koki Hirota today to attempt to form a new cabinet to take the place of that of Premier Keisuke Okada, decimated by last week's military rebellion.

TOKYO, March 4-(AP)-The military side of the liquidation of the night with the establishment of a special tribunal to try for trea- day. son 22 officers who participated in last week's coup. Search by Premier

Japan's search, however, for a man to lead her from the emergency caused by the bloody re volt made no progress. Prince Konoye, 42 - year - old aristocrat. asked the emperor to excuse him from the "heavy responsibility" of the premiership on grounds of

The prince had been called to the palace and commanded to form a cabinet to succeed that of Premier Keisuke Okada, which was decimated by four assassinations during the rebellion.

A portion of the troops which hastened to Tokyo last week to suppress the revolt have returned to their home cantonments. Tired old Prince Saionji, 82year-old elder statesman, faced a ASMARA, Eritrea, March 4 .-

resumption tomorrow of the task bodies of three unidentified white of presenting Emperor Hirohito men had been found today in the with a suitable candidate for the

### Gates Closed to Fill Norris Dam

world. Thousands watched as eight

minutes, signalized official completion of the \$36,000,000 dam the first constructed by the TVA in its development of the Tennessee river system.

a 132,000-horsepower capacity.

SILVERTON, March 4 - Rumor became current at Silverton Wednesday afternoon that J. Cal late Wednesday evening, Mr. out. Schlador would neither deny nor confirm the rumor. Friends in Sil- are to be put in the hands of the seek office.

## Owners Stand **Against Union** In N. Y. Fight

Proprietors Meeting in Early Hours Today; No Reports Divulged

Union Leaders Cited for Threats to "Tear Down the Town"

NEW YORK, March 5 .- (Thursday)-(AP)-A conference to seek a settlement of New York's violent four-day building service strike, which threatened to extend to other cities, lasted into the early hours of today with representatives of the building owners holding out determinedly against the union's demand for a closed shop. No word came from the conference room in city hall as to how negotiations were progressing on the union's demands for higher pay and shorter hours. Meeting with the opposing factions were Mayor F. H. LaGuardia and Edward F. McGrady, assistant secretary of labor. Subpoenaes Served

As the conference got under way subpoenaes were served on the appearance before the district attorney this afternoon of James J. Bambrick, local head of the Building Service Employes union. and George Scalise, international vice-president with headquarters in Chicago, who is here for the

District Attorney William C. Dodge said he wanted to question them about statements he considered inflammatory. Bambrick had threatened to "tear down the town" and "fight it out in the streets" if necessary. Violence was renewed yesterday

of police and strikers. In one case 50 men set upon a youth working Japanese emergency advanced to- in a building. Police listed 88 arrests since the strike started Sun-The first death attributed to the strike occurred when a detec-

in many clashes between groups

tive who had been operating an elevator since Monday was killed in a mechanical accident. Other developments: In addition to raising the threat

of a countrywide strike of ele-

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#### crat who takes a walk in November, he asserted, "we will take away and accept the support of New Water Body five republicans." To Meet Friday ducted the anti-new deal assault

The first meeting of the water construction committee appointed by the city council Monday night to handle the management of the building of the new filter plant, reservoir and pipe line to the Santiam river will probably be held Friday night.

It is understood that the committee will meet with the members of the water commission af ter thae commission's meeting and discuss with them the worl that has been done so far by the engineers. Plan for further development will likely be discussed at that time,

The Salem Taxpayers' league which petitioned the council to consider wells as a source of supply before going to the Santiam river announced they would request a hearing from the committee. Committee members had not received the request yesterday but said that they would be willing to give it consideration if it were

## **Verdict Undecided** At 1 A. M. Today, Courthouse Report

Instructions Given Jurors During the Afternoon; Deliberations Are Begun at 7, After Dinner

Jurors Ask to Reread Testimony by Physician at 10 p.m.; 4 Kinds of Verdicts Are Possible

CIX HOURS of deliberation had passed at 1 o'clock this morning and the circuit jury holding the fate of John Kyle, alleged murderer of Hugh Jean Sloan, had still not reached a verdict, it was reported from the courthouse.

After receiving their instructions and then going out to dinner, the jurors went into their verdict pondering session at 7 o'clock last night. Facing the jurors were four alternatives—to find Kyle

guilty of first-degree murder which would mean hanging or life imprisonment, to find him guilty of second degree murder, to find him guilty of manslaughter or to acquit him. Indicating the thoroughness with which the 12 men and women were considering the case was their request for re-

Birthday of New

Critic

Demo "Waste"

WASHINGTON, March 4-(AP)-

The third anniversary of the new

deal today touched off a free-for-

all political debate in the senate,

with democrats advancing a

Roosevelt "prosperity" is sue

against a republican charged that

Senator nobinson of Arkansas.

the democrate leader, leaped up

to interrupt an attack on the ad-

ministration with a declaration

that the "country, on the whole,

is prosperous." For every demo-

Senator Dickinson (R-Ia) con-

single-handedly on the senate

Later, however, Senator Borah

(R-Ida) in a press statement crit-

icized administration spending

and "waste." Senator King (D-

Utah) likewise scored "this spend-

ing spree" in a floor speech, but

blamed others than the president.

Barbara Disney, 4, Hurt

Severely When Struck by

Motor Car Near Woodburn

Barbara Jean Disney, 4, of

the Pacific highway near the

State training school about one

mile north of Woodburn. The car

which struck the small child was

going south and was driven by

The girl was taken to a Wood-

burn hospital suffering from deep

lacerations and a severed artery.

Robert Rayfield of Los Angeles.

the country was "in a mess."

Borah

Robinson Claims

G. O. P. Support

reading of portions of the evidence. At the consent of the ocourt, testimony of Dr. E. V. Fortmiller on the course of the three bullets which entered Hugh Jean Sloan's back was reread to the **Deal Evokes Tiff** 

jury at 10 o'clock. Trial of Kyle, began Monday, February 24, and save for an intervening Sunday, continued daily Party Spokesmen Clash; The 65-year-old recluse, who owned a small chicken ranch at Broadacres, north of Woodburn, was brought to the county jail January 2 after he admitted having killed his neighbor. Hugh Sloan. Kyle said Sloan was his

"best friend." He claimed Sloan

had come to his house early in

the morning of January 2, had

grabbed him by the neck and told him to "come across."

State Contends Robbery Was Motive The state contended Kyle killed Sloan to get the latter's money. Both sides to the suit admitted Kyle and Sloan had been drinking heavily on their New Year's trip

together to Salem. A parade of witnesses crossed the stand in the sia days following the obtaining of a jury. The latter has been kept away from home since the case opened at the request of the state. The estimated cost of the trial to the county is

Alternate Jurors Are Excused

Instructions which took an hour to read were presented to the jury by Judge L. H. McMahan before the 14 men and women who have been hearing the case for nine days, began their deliberations. The two alternate jurors were excused before the initial 12 jurors went to the jury room.

The courtroom was stuffy as the case was concluded. Dirty, blood-stained clothing and bedclothes were strewn about the front portion of the room in front Woodburn, was struck and severe- of the jury. The audience packed ly injured yesterday afternoon on the benches. Ventilation was inadequate.

District Attorney Trindle reviewed the evidence with care. He contended the state did not necessarily ask for hanging but was willing to leave the question of punishing Kyle to the jury's discretion with that group allowed to recommend the punishment it She was said to be in a serious saw fit. He riddled discrepancies in Kyle's testimony and pictured a drunken rancher taking the life of his best friend.

Paul Burris, defense counsel, stressed the fact that Kyle was in his own home, in his own bed, when the shooting occurred. He said whether Kyle was guilty or not depended on what the average juror would do if he were a recluse, afraid of robbers, suddenly awakened with someone's hand on his throat. "If you had a pistol under your pillow, you'd pull it out and shoot — the same as John Kyle did," Burris declared. Burris minimized discrepancies in Kyle's testimony by saying that Kyle was excited and intoxicated

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#### Round Table **Tuna Contest** Closes Today

The tuna fish recipe contest ands today at noon, so there are only a few short hours left to enter your favorite tuna concoction in The Statesman Round Table. First prize of \$1 in cash

and two second prizes of 50 cents each will be announcgether with a new topic for next week.

#### nole county in rural southwest Named as defendants are Harry L. PORTLAND, Ore., March 4-(AP) Georgia today voted more than Riches, Lee Alfred and Frank C. Notre Dame university, which five to one for the renomination Alfred, armory board members. controls the University of Portroom for the veterans to meet at land, called for bids today on a the armory. Their regular meetproposed \$80,000 to \$100,000 sciing date is Wednesday night and ence building for the Portland in-

Los Angeles Jury Hears of Sale of U.S. Naval Secrets LOS ANGELES, March 4-(P)- of the unusually high bond of U. S. District Attorney Peirson \$20,000. Hall went before the federal Foreigner Supposed grand jury today with a witness in an inquiry unofficially report-

ed to involve supposed espionage

and sale of United States navy secrets to foreign powers. It was said that information in the case has been turned over to equipment. This man was said to agencies at Washington, including have sailed across the Pacific the navy intelligence, bureau of some weeks ago. The case was uninvestigation, department of justice and state department. Ex-Sailor's Associate

Reported Witness The witness was William James Turntine of Long Beach, Calif., former associate of Harry Thomrecently on charges of illegally tained. It was reported, however, wrestling card here tonight.

Information Buyer

Department of justice agents were reported to have failed in attempts to arrest a foreigner supposed to have bought information about fleet movements and derstood to date back to 1934, when, it was said, secret orders in the annual fleet maneuvers. disclosing naval movements 96

days in advance, were stolen. The nature of Turnine's testi-

any utility interest," he was quot-

"The record of the present administration so abounds in infamy that this is simply one more in a

tonight as being among those whose telegraphic files have been subpoenaed by the senate lobby investigating committee. It in-Colby, Bainbridge.

United States Lines. Crusaders and The Crusaders

Caraway, Mrs. Henry. American Steamship Owners'

American Gas association. American Petroleum institute.

Material Fruitless

NORRIS, Tenn., March 4-(AP)-To the screaming of a siren set off by President Roosevelt on the third anniversary of his inauguration, potential kilowatts began piling up today behind TVA's Norris dam, fourth largest in the made.

the impounding of water of Clinch river started. The siren, sounded for two

Power generating equipment is expected to be ready for opera-

#### Schlador Rumored As Sheriff Aspirant within eight days, Moody said.

wearing a naval uniform and thus gaining access to naval vessels in partment of justice agents, naval the San Pedro-Long Beach area.

In the semi-windup, Paul Bosummer he leased the Inman serchitects and one layman will bouse of representatives.

In the semi-windup, Paul Bosummer he leased the Inman serchitects and one layman will be called willie. Davis, 268, Blacksburg, Monday of this week to Alvin Lessaid the names of these persons will include 14,300 square feet

#### Thousands watched as eight sluicegates slipped into place and the impounding of water of Clinch Statehouse Plans Speeded Up, Moody Report Indicates Evidences that the state capitol |

for the new statehouse here were presented to the board of control yesterday by Ralph Moody, legal day. heart attack February 21 and had | tion about August 1. It will have adviser to the commission, who said the commission anticipated that capitol designs for the architects' contest would be here by May 21. Announcement of the winning design would be made September 15

By September 15 completed be in the hands of PWA officials Schlador will be one of the candi- and contracts can be called for as dates for the Marion county sher- soon as the federal government iff's office. When interviewed approves the plans, Moody pointed

The entries in the competition verton are strongly urging him to clerk of the state supreme court and the designs will be opened For years Mr. Schlador was in the presence of the chief justice will not be divulged.

Final details in the architects' commission is speeding up plans competition will be approved at a meeting of the capitol construction commission in Portland to-Moody appeared before the

> of state and state treasurer, were satisfied with their space allotments in the new building. The governor has been allotted 1150 square feet of office space while the secretary of state will have 7600 square feet of space. Approximately 4100 square feet

of space was awarded to the state

board of control to determine

whether the governor, secretary

treasurer. **Executive Offices** On Second Floor

Other state departments to be located in the new structure include the state tax commission, board of control, land board and budget division. The governor's connected with the Interurban of the court. Two members of the offices will be on the second floor, Telephone company here. Last commission, two outstanding ar- near the senate chamber and

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