

CITY EDITION
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Capital Journal

RAIN TONIGHT
And Friday: moderate southerly winds
Local: Max. 69; min. 50; rain, .37;
river, 4.1; atmos. cloudy; wind, south-
west.

FORTY-SEVENTH YEAR No. 91 SALEM, OREGON, THURSDAY, APRIL 16, 1925 PRICE THREE CENTS ON TRAINS AND NEWS STANDS FIVE CENTS

SHEPHERD TO STAND TRIAL

S. O. S. CALLS SENT OUT BY BIG AIRSHIP

British Craft Torn From Moorings and Carried To Sea Before Gale; Crew of 20 on Board.

London, April 16.—(By Associated Press.)—At 8:45 o'clock tonight the R-33 signalled to the Fulham air station, where she took loose from moorings this morning. "Am attempting to return."

London, April 16.—(By Associated Press.)—The wireless station at Diss, Norfolk, intercepted a radio message from the R-33 shortly after 7 o'clock tonight in which the dirigible called for help and said that the nose of the ship had been torn away when it broke loose from the mooring mast at Fulham this morning.

The wind has veered from a westerly direction to the northwest and has slightly decreased in the neighborhood of the ship which is now about 75 miles northwest of Amsterdam. The wind has definitely decreased in north of England. The British naval ship Godetia is following the dirigible. It was officially stated that no relatives of members of the crew were on board. This was in denial of a report in circulation that when the R-33 broke away relatives of some of her crew were on the air ship and had been carried off with her.

London, April 16.—(By Associated Press.)—Hiding northward before the winds that swept the North sea, the big British dirigible R-33 which tore away from her mooring mast at Fulham, Norfolk, this morning, apparently cannot be kept headed homeward by the crew of 20 which was aboard her when she broke loose. There is no chance of the R-33 returning to Fulham air station tonight.

The twenty men aboard kept her under control despite the fact that the big ship's nose dragged when it tore away from the mooring mast. With the wind, which earlier had reached the force of a full gale, gradually subsiding the fear of serious accident lessened and it was hoped that the ship would be able to make late tonight. Although it first appeared that the R-33 was unmanageable and the serious difficulties of the crew of experts aboard soon had the engines running and the wireless working and within two hours after the big flier was blown out over the storm swept waters of the North sea she was partially under control and making some headway against the gale. As the storm spent itself little difficulty in steering was experienced and by 12:30 o'clock, the wireless operator aboard was able to signal "all o. k."

Injunction to Halt Work On Jefferson Road Is Requested

Henry C. Shields, whose claims for damages against the county on the proposed new road changes between Jefferson and Marion, were thrown out by the circuit court when that court declared that Shields had nothing to base his appeal on from a decision of the supreme court, yesterday started injunction proceedings against the county court apparently having for their object the holding up of the entire project. The proposed road is designed to eliminate seven grade crossings between Marion and Jefferson on the Southern Pacific and provide for one overhead crossing at a natural point for the construction of such a crossing. Bids already have been received on the overhead and steps taken by the county court to go ahead with the work. This is considered one of the most important projects from the standpoint of human life and

INFESSED URDERESS BREAKS DOWN

Mrs. Cunningham Found In Cataleptic Condition In Cell Following Confession To Poisoning.

Crown Point, Ind., April 16.—(By Associated Press.)—Mrs. Anna Cunningham, 49-year-old widow, was found apparently in a cataleptic condition in her cell today.

Calm and unmoved Mrs. Cunningham confessed last night that she gave poison to three of the five members of her family whose mysterious deaths within six years led to an investigation, resulting in a murder charge against her.

Killed For Love The victims—Isabelle, 18; Charles 19 and Walter, 13, she said she had killed because she loved them best. She believed she was going to die, she said, and wanted to take them with her to join their father who died in 1918. For the same reason she had given poison to David, the last son, now in a critical condition in a Chicago hospital.

She denied that she had poisoned her husband, the first to die, or Harry, another son, in whose body coroner's chemists found arsenic. She spared the surviving daughter, because she disliked her as she said.

Each time she administered the arsenic in bread and butter, she took a similar dose herself and after the death of Walter, she added a teaspoonful of iodine, but always recovered. Her desire "to join in heaven" her husband and take with her her best loved children, had prompted her to administer the death potion to Isabelle, the first victim, who died December 31, 1920.

WERLINE NOT TO PAY HEART BALM

Dallas, Or., April 16.—After five minutes deliberation the jury returned a verdict, in favor of the defendant in Circuit Judge Ramsey's court this morning in the \$20,000 allegation of affections case brought by Frank White of Portland against George M. Werline, Independence hop grower. The case, the last one of any importance in this term of court, attracted much attention in Polk county. After the verdict in the Werline case was delivered the court adjourned until tomorrow when the case of Ray Stevens of Falls City, charged with the theft of a radio set, will be heard.

DRIVER OF DEATH CAR CHARGED WITH SPEEDING

Dallas, Or., April 16.—The case of Austin Martinis, against whom a charge of speeding and reckless driving was filed, following the fatal accident at Newmirth station April 5 when Mrs. Dorothy Elyer of Corvallis was killed, came up before Justice of the Peace Coad today. Martinis appeared through his attorney, Oscar Hayter and a plea of not guilty was entered. The case will be set for a justice court trial as soon as the present circuit court session is over. The charge was filed against Martinis by Orin Nichols, state traffic officer, who investigated the accident.

PLEA REFUSED



D. C. STEPHENSON

Indianapolis, Ind., April 16.—Motions to quash five indictments returned against D. C. Stephenson, former grand dragon of the Ku Klux Klan, charging him with an attack on Miss Madge Oberholzer, were overruled today by Judge James A. Collins in criminal court. Stephenson, through his attorney, Eph Inman, then entered a plea of not guilty.

Miss Oberholzer died Tuesday after an illness of four weeks attributed by her parents and her physicians to poison taken following the alleged attack by Stephenson. An inquest into her death was continued today by Coroner Dr. Paul F. Robinson and funeral services were planned for this afternoon.

VAN PATTEN WILL FILED HERE FOR PROBATE ACTION

Under the terms of the will of Clarence Van Patten, filed in probate, the controlling business which he carried on here for years, becomes the property of his son Cuyler, with all of the real estate interests and everything connected with it, and in addition the son is named as executor and beneficiary of a \$1000 insurance policy. The estate is valued at \$15,000, under an estimate made in the petition. Etude M. Scholer, Guy G. Smith and Martin Peresshian are named as appraisers. Legatees besides Cuyler Van Patten, are Mary A. widow, Ruth, daughter, Mabel, granddaughter, and Edward Farrington, son by a deceased daughter.

Ruth Van Patten, daughter, is given residence property on South 21st street, and the home property on State street, subject to a life interest bequeathed to the widow. In addition the daughter is given \$2000 under an insurance policy. The grandchild Mabel Van Patten is given the proceeds of a \$1000 insurance policy, and another \$1000 insurance policy goes to the grandson, Edward Farrington, to be held in trust for Mrs. He is now 9 years of age.

The widow, Mary A. Patten, is given \$5000 in two insurance policies, in addition to the life interest in the home property. The entire residue of the estate is to go to the widow for life, and then to the son and daughter, Cuyler and Ruth Van Patten.

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POLITICS SEEN IN OUSTER OF BEN DORRIS

Removal of Eugene Member of Game Commission By Pierce Revives Story of Split.

Political differences and a breach in friendship that has been widening since early in the late legislative session cause Governor Pierce yesterday to oust Ben F. Dorris of Eugene from the state game commission. The governor appointed M. H. Bauer of Corvallis to fill the vacancy.

The schism between Dorris and the governor was started when Dorris early in the legislative session showed himself in favor of taking the appointment of the fish and game commissions out of the hands of the governor and placing them in the hands of the state board of control. Dorris worked with Carl D. Shoemaker and others to that end.

Resignation Requested The governor yesterday afternoon called Dorris by telephone and requested him to send in his resignation by letter. Dorris replied that he wanted some time to consider the matter, whereupon the governor said he wanted to take action immediately and that he would remove Dorris without waiting for his resignation. Dorris became a member of the commission by appointment of Pierce, June 18, 1923, and his term would have expired February (Continued on Page Four)

WHEELER TRIAL IS OPENED WITH COURT CROWDED

Great Falls, Mont., April 16.—(By Associated Press.)—Senator Burton K. Wheeler, democrat, Montana, went on trial here today with his political life at stake. He was here in United States district court to answer to an indictment returned a year ago charging him with accepting a fee for prosecution of claims of a client before the department of the interior after he had been elected to the senate.

The maximum penalty for violation of the law is two years imprisonment or a fine of \$10,000 or both, an able law provides that a person so convicted is forever barred from again holding public office.

Federal Judge Frank S. Dietrich of Idaho is presiding. The little courtroom where the trial is being held, was packed to the limit.

BINGHAM ESTATE IS OVER \$140,000

The estate of the late Judge George G. Bingham is shown to be in excess of \$140,000 according to a final accounting made by Keith Powell, administrator. The final account shows proceeds of \$8823.99 and expenditures of \$4765.26 since the death of Judge Bingham and in addition undisposed property as follows: real estate, \$34,654; bank stock, \$42,500; bank stock, \$11,200; bank stock, \$4945; contract on real property \$2000; watch, fishing tackle and personal effects \$100. The time for the final hearing on the estate has been set for May 19. In the original petition covering the Bingham estate its estimated value was placed at \$100,000.

STORM HITS HARD EAST OF MOUNTAINS

High Wind Does Damage of \$10,000 at Condon And Also Plays Havoc In Other Sections.

Condon, Or., April 16.—Damage estimated between \$8000 and \$10,000 was caused by a tornado which struck Condon and surrounding country late yesterday. The storm swept in from the southwest and after damaging buildings in the southwestern part of town jumped to the north-eastern section, where further damage was done.

Two high school students, Art Myrjan and Thomas Westcott, were cut by flying glass when the roof of the school house was torn off by the storm.

The county machine shop and the warehouse of the Arlington Lumber company were wrecked, the combined loss to these two plants amounting to about \$6000. A dozen barns and garages in Condon were destroyed and many new buildings were wrecked in the country nearby. Fragments of a barn dropped on the roof of the Congressional parsonage, knocking it in. Many windows in town were broken.

WAREHOUSE UNROOFED

Pendleton, Or., April 16.—A sharp wind struck Pendleton yesterday afternoon shortly after noon and although it did little damage in town, reports from the county later indicated that a small house was demolished at Rieth and the top blown from a warehouse at Polton. No one was injured, according to reports received here. Many trees are reported to have been blown down. A heavy shower followed the wind and another rain came last night.

FRENCH CABINET NOT COMPLETED

Paris, Apr. 16.—(By Associated Press.)—Ex-Premier Paul Painleve, attempting the task of forming a cabinet in succession to the Herriot ministry, was able only to report progress and not the definite conclusion of his task when he visited President Doumergue at the palace of the Elysee this afternoon.

"If a cabinet is formed it will not be before tonight," he said. "I still have everything to do but one may have everything to do and yet do it quickly."

SAYS HUSBAND SWORE FALSELY TO HER AGE

Zelma Goodwin, seeking a divorce from James C. Goodwin, alleges that her husband secured a friend to swear that she was 18 years of age when, as a matter of fact, she was only 16 years of age when married at Vancouver, Wash., in 1918. She charges that her husband was insanely jealous. She wants the custody of two children to remain with their grandmother. Else Papenhus is suing Paul Papenhus alleging cruel and inhuman treatment and much profanity. She wants custody of two children and \$50 a month for their support. Charles Croy is seeking a divorce from Inez Croy, charging desertion.

Governor Trying To Escape Blame Say Prosecutors

Are Governor Pierce and his secretary, W. A. Delzell, in clemency extended to convicts at the state penitentiary and prisoners in county jails, attempting to pass the buck of responsibility to other officials.

Today the governor granted a pardon to Otto Russell, who has served in the Marion county jail half a year's sentence for possession of a still, and also reduced his fine from \$500 to \$250, which he will be required to pay before he is released today. Delzell, the governor's secretary, said that the clemency had been granted on recommendation of District Attorney Carson and P. J. Kuntz, former justice of the peace, who sentenced Russell.

This was vigorously denied by Carson, who said that while he had been consulted in the case he had informed the governor's office that he would not attempt to interfere with the executive's authority in the matter, but would not assume any or the responsibility for the pardon. Mr. Kuntz said that when he was consulted by Delzell his reply was that he would consent to the pardon and not oppose it. Delzell then said

when again questioned that he had not meant to imply that Carson and Kuntz had recommended the pardon, but simply to say that they had been consulted and had not opposed it.

Attorney General Van Winkle declared today that he resents a statement by Governor Pierce implying that the attorney general had anything to do with the governor's allowing Harry and Alex Goldstein, convicts at the state penitentiary, a week's leave of absence to attend the Passover ceremonies in Portland.

"The governor has never consulted me," said Van Winkle, "about granting leave of absence to prisoners, neither for the Goldsteins nor anyone else, and I resent his trying to saddle any part of the responsibility on me."

The governor said yesterday that while he had granted the leave on his own responsibility he had followed Van Winkle's advice. Russell was received at the county jail October 19 last. His still was located on one of the M. L. Jones farms north of Salem. It was concealed in a dug-out and was further protected by a system of automatic alarms. He pleaded guilty in court.

SHERIFF BOWER SUED FOR \$6000 BY BOND HOUSE

Sheriff Oscar D. Bower is made defendant in a suit asking for \$6000 damages in an action filed in circuit court by the United States Fidelity Guaranty & Casualty company, \$1000 of this being damages asked against the sheriff for holding goods which the complainant alleges he holds wrongfully.

The present action grows out of the case of the Northwestern National bank of Portland against Payne & Padrick. Payne & Padrick were contractors on the Detroit-Niagara road extension and attachment proceedings were started against them by the Northwestern National. Based on the garnishment proceedings, Sheriff Bower seized the equipment of the contractors, which are valued at \$5000, according to the papers in the present action.

The United States Fidelity & Guaranty company was bondsman for the contractors and they made the claim, that the property in question belonged to them under an assignment alleged to have been made by the contractors to the bonding company, when that company issued a bond to the contractors.

BABE RUTH TO UNDERGO OPERATION TOMORROW

New York, April 16.—Babe Ruth, an influenza patient at St. Vincent's hospital will be operated on tomorrow for the relief of abscesses which have developed as a result of his weakened physical condition.

SANSON TELLS OF MILL PROSPECTS

Workers in the campaign for sale of linen mill stock heard D. M. Sanson, head of Dominion Linens, Ltd., tell them last night just what the people may expect in returns from the proposed mill here if the plan goes over. Six thousand acres of flax would be required for the mill, bringing a gross of \$600,000 a year, which after expenses were paid, would yield a good return to the common stock investor and take care of the preferred stock. Stock payments, it was explained, were to be made as follows: June 1, 10 per cent; July 1, 20 per cent; August 1, 20 per cent; October 1, 25 per cent; February 1, 25 per cent. The meeting last night was well attended by workers who showed deep interest in the explanations given by Mr. Sanson. A number of prominent Salemites interested in the movement went to Portland today to attend a meeting there.

POLISH PRIEST CONVICTED OF MORAL CHARGE

Leninград, April 16.—(By Associated Press.)—Father Branslav Oussas, the Polish priest, who was one of those to have been exchanged for the two Polish communist officers recently murdered while en route to Russia under police guard, was today sentenced by the Leninград district court to six years imprisonment and strict isolation. He had been arraigned on charges of immoral treatment of young girls in his employ.

The case has excited much interest throughout Russia. Crowded packed the court room today but the sensation seekers were disappointed when the judge announced that the testimony would be heard in private.

Father Oussas denied the competency of the soviet court to try him, insisting that he should be tried under the Polish criminal code in his own country. The public prosecutor, M. Krylenko said a diplomatic passport did not give foreigners the right to commit crime in Russian territory, and demanded that the priest should be sentenced to five years solitary confinement.

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DENIES GUILT PLEADING TO INDICTMENT

Motion To Quash Murder Charge and Request for Early Trial Refused by Justice Hopkins.

Chicago, April 16.—(By Associated Press.)—William D. Shepherd, charged with the murder of his foster son, William Nelson McClintock, pleaded not guilty today when formally arraigned in criminal court.

Chief Justice Jacob Hopkins overruled a defense motion to quash the indictment. The state asked for an early trial but the court said the date could only be fixed by the trial judge when the case comes up in the regular course.

It was the first time Shepherd had been in court since his third unsuccessful effort to obtain freedom from jail on bail in the local courts. A fourth effort in the Illinois supreme court by means of habeas corpus action also failed.

The defense motion to quash the indictment which charges that Shepherd and C. C. Faiman murdered McClintock by the inoculation of typhoid germs was overruled without any argument. Faiman never has been served with the indictment and has been held by the prosecution at a hotel. He is expected to be the principal witness against Shepherd and has testified that he taught Shepherd how to administer typhoid germs to produce death and that he was promised \$100,000 by Shepherd if his "million dollar deal" were successful.

NEER CANDIDATE FOR SCHOOL JOB

Petitions are being circulated in Salem today in behalf of Frank Neer of the Salem Brick & Tile company for school director in the Salem district. The annual school election will be in June, and the retiring member is Curtis Cross. On account of his present illness, which has kept him at home for several weeks, Mr. Cross will not again be a candidate. It is said he expects to leave the city for a rest as soon as he is able. As far as could be learned today no other candidates are in the field, and it is possible there will be no contest for the office. No factionalism has developed this year.

SANDE TO RIDE FOR WIDENER

New York, April 16.—Earl Sande, leading American jockey today signed a contract to ride for Joseph P. Widener, president of the Westchester Racing association. He announced his release from a contract with Harry F. Sinclair.

Pendleton Round-Up Film to be Featured At Journal Matinee

Another Capital Journal matinee for the boys and girls of Salem is announced for Saturday afternoon at the Grand theatre. Hood Gibson, starred in "Let 'Em Buck," an all-Oregon picture started and filmed at the Pendleton round-up last year. It is to be the drawing card for the afternoon. Admitted to the matinee which will start promptly at 2 o'clock in the afternoon, will be five cents and a Journal coupon for all boys and girls of 12 years of age or under. Six hundred and thirty-five children attended the last Journal matinee, so those who want seats Saturday afternoon are warned to be on hand early. "Let 'Em Buck" is really two films in one. As it from being a thrilling drama of the west in its own theme it is also a vivid portrayal of the great Pendleton wild west show as it progressed event by event. The bull-dozing the drawing card for the afternoon, and other cases are shown just as they transpired, and through and around these events is woven the act of the story of which the film is made. The coupon to come for admission to the matinee will be published in the Capital Journal tomorrow afternoon.