

HENEY DEFIES COOLIDGE ORDER TO QUIT

Capital Journal

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CLOUDY WEATHER
Tonight and Tuesday, probably showers in mountains. Cooler. Light southwest wind.
Local: Max., 88; min., 49; rain, none; river, -2.1; atmos. clear; wind, northwest.

FORTY-SEVENTH YEAR No. 207 SALEM, OREGON, MONDAY, AUGUST 31, 1925 PRICE THREE CENTS ON TRAINS AND NEWS STANDS FIVE CENTS

TOM MURRAY DECLARED SANE

RESIGNATION REFUSED TO PRESIDENT

Bert Haney Declines To Accede To Request—Criticism of Palmer Cause of Discord.

Washington, Aug. 31.—(A. P.)—The resignation of Bert E. Haney of Oregon as a commissioner of the shipping board has been requested by President Coolidge and has been refused.

While Mr. Haney declined to discuss the matter today or to make public the correspondence it was indicated the president acted because of dissatisfaction with Mr. Haney's attitude toward President Palmer of the fleet corporation.

Mr. Haney has moved at recent executive sessions of the shipping board for removal of Mr. Palmer but it is understood to have failed to obtain any action for his motions. He has acted on the belief that the government merchant fleet is running down under Mr. Palmer and is not being developed for as under the merchant marine act, adequately to carry American products or to serve as a naval auxiliary in time of war.

It has been his contention that while there were in operation 380 ships in the government merchant fleet when Mr. Palmer took office two years ago there were but 251 two weeks ago.

Removal Only for Cause.

In the face of the refusal of Mr. Haney to resign, the next step remains problematical. Under the merchant marine act, the president may remove a commissioner only for cause. Under this heading comes inefficiency, neglect or incompetence.

Mr. Haney was appointed from Oregon as a demagogue by President Harding in June, 1923, to succeed former Senator George E. Chamberlain of that state, resigned. He was re-appointed by President Coolidge for a two-year term last June after a long conference with Mr. Coolidge at the White House when the entire shipping board situation was thoroughly discussed.

Mr. Haney is said at that time to have made it clear that he had no definite ideas about development of the American merchant marine and proposed to act in accordance with his judgment. This position, it was indicated, was agreeable to Mr. Coolidge who subsequently tendered him the re-appointment.

BABE AND WIFE STILL FRIENDLY

New York, Aug. 31.—(A. P.)—Rumors of a reported break between Babe Ruth and his wife were emphatically denied by Mrs. Ruth today when told of published reports concerning his acquaintance with a New York widow.

"I know absolutely nothing about that matter," said Mrs. Ruth, "and I don't care to talk on that subject for publication now. However, I intend to discuss these matters with my husband when he returns."

"There is no friction between my husband and myself," she said. "Reports of it are nonsense. We are just the same old pals we were when we were married."

COOLIDGE TO ATTEND LEGION MEET, OMAHA

Swampscott, Mass., Aug. 31.—(A. P.)—President Coolidge plans to attend the American Legion's national convention in Omaha the first week in October, he told Alton T. Roberts of Marquette, Mich., who called at White House today to renew the invitation previously extended by National Commander Drain of the Legion.

ANTHRACITE MINING STOPS AT MIDNIGHT

Hard Coal Strike Goes Into Effect At Midnight—No Picketing, No Guards.

Philadelphia, Pa., Aug. 31.—Anthracite mining in northeastern Pennsylvania will stop at midnight by order of the United Mine Workers. The strike of twelve marks expiration of the two-year working contract of 158,000 workers who have been unable to agree with the mine owners upon its renewal and who decline to work until some renewal is negotiated.

The walkout will place a virtual padlock upon 828 mines in ten counties. It will involve in addition to the bulk of the miners another army of their dependents.

The full number of those dependent upon the mines and for whom bread winning accordingly stops, is put at 500,000. About 8000 maintenance men will remain in the pits by mutual agreement to prevent flooding and to attend their general upkeep. They will be assessed a day's pay every two weeks for the union's emergency fund. Something like 10,000 railroad men employed in handling of coal shipments and in shops and car repair work will probably be thrown out of work.

100 Per Cent Effective.

The suspension will be practically 100 per cent effective. The region has been thoroughly organized by the union and the handful of men the union has permitted its members to associate with despite the lack of union buttons is expected to quit as well.

Union officials contemplate no picketing and the owners, so far as can be learned, plan no importing of non-union help.

At many mines contract miners quit work Saturday after blowing down enough coal to keep their laborers occupied for the remainder of the contract. Many heavy tools have been removed by the men and stored away against such time as a new contract is signed.

10 Per Cent Increase.

The miners are demanding a 10 per cent increase in tonnage rate, a day more for day workers, the check off, a two-year contract, equalization of rates and other adjustments. The operators insist all demands must first absolve themselves of any likelihood of increasing production cost before they can be given consideration.

The men, in turn, refuse the proposal of the owners to leave the matter to arbitration and hold that negotiations are useless until the owners agree to consider demands on their merits regardless of cost. Negotiations were broken off at Atlantic City on August 4.

MITCHELL NARROWLY ESCAPES, PLANE CRASHES

San Antonio, Texas, Aug. 31.—(A. P.)—Colonel William Mitchell, stormy petrel of the United States army air service, narrowly escaped death at the Eighth corps air service landing field near Fort Sam Houston this morning when his plane crashed and was demolished as he was taking off for a flight. Colonel Mitchell was uninjured.

Nesmith Injured In Prison Break Ousted As Prison Turnkey

James Nesmith, turnkey at the state penitentiary who was severely injured by the escaping convict, Tom Murray, Oregon Jones, Ellsworth Kelley and James Willos when Jones and two prison guards were killed on August 18, will not again assume his duties at the prison, Warden Dairymple said today.

Word for Warden If He Wants Job; Urged by Elkins



Tom Word, ex-sheriff of Multnomah county, asked by governor to take penitentiary wardenship.

Whether or not he will accept appointment as warden of the Oregon penitentiary rests entirely with Tom Word, former sheriff of Multnomah county.

The appointment has been proffered to Word without any strings attached and Governor Pierce is but waiting his acceptance to announce the appointment, at the same time making public the report of his special committee to investigate conditions at the prison and the causes of the break of August 12 when three convicts escaped after killing two guards.

Word, it is understood here today, has promised to advise the governor of his decision by Wednesday. His delay in accepting or rejecting the appointment is reported to be occasioned by his fear of a recurrence of a physical breakdown from which he but recently recovered, and the arrangements of business details.

Meanwhile he is being besieged by friends throughout the state to accept the position.

Dillard A. Elkins, industrial accident commissioner and former

(Continued on Page Five.)

CONTRACT LET INDEPENDENCE NORMAL SCHOOL

The building committee of the board of regents of state normal schools this afternoon tentatively awarded to George F. Steeves of Portland a contract for construction of a training school building at Independence, to be part of the state normal school which is located at Blommonth, two miles away. Reeves' bid was \$79,850, or \$19,581 lower than the next lowest bid. The award is subject to the board's approval of Reeves' sub-contractors.

The committee awarded the heating and ventilating contract for the same building to Rushlight, Hastoff & Lord of Portland, whose bid was \$15,973, and the plumbing contract to Sturges & Sturges of Portland, at a bid of \$2872.

The contract for electrical wiring will not be awarded until a further study of the bids has been made by the committee.

The committee will this afternoon examine architect's drawings for the new normal school at Ashland. If the plans are approved bids will be opened in six weeks.

16 YEAR OLD YOUTH WANTED IN CALIFORNIA

Walter Line, 16 years old, was arrested Saturday evening by Deputy Sheriff Burkhardt on telegraphic advices from Visalia, California. Line was arrested as he arrived here in an automobile accompanied by a boy friend.

While the telegram did not enlighten the officials to what Line is wanted for in Visalia further than saying a bench warrant was being held there for him, Line himself states that he believes he is wanted there in connection with an alleged breaking into a store. Line's companion was accused of nothing.

It would be advisable for him to go back to work. I talked it over with him and he agreed to resign."

YOUNG COUPLE UNDER ARREST SEEK LOST DOG

When Dan Smalley and Lillian Riggs Smalley, his child bride, started back for Enterprise, Oregon yesterday under the charge of a deputy sheriff their unhappiness was acute, not so much that they were being returned probably to stand trial, but because the dog which started with them on their elopement from Enterprise, was missing.

While Smalley was in jail, his child wife in the Deaconess hospital and their automobile standing outside the court house, the dog was permitted to reside in the car and watch over it. Sheriff Bower took charge of feeding the dog, and for a day or two the canine seemed satisfied with the presence of the car.

He then became restive. His master failed to return. And Sunday morning the dog was gone. Smalley secured a promise from the Enterprise deputy he would drive back by way of Molalla where he was working at the time of his arrest. He believes the dog decided to return there in search of his master.

Smalley was arrested for taking 14-year old Lillian Riggs away from her home at Enterprise. At Oregon City the couple were married and they are hopeful the girl's parents will relent when the couple appear with their marriage certificate.

In the meantime they are more concerned, apparently, about the dog than what will happen at Enterprise.

MARINE GIVEN SECOND CHANCE

Swampscott, Mass., Aug. 31.—(A. P.)—Disapproving the findings of a summary court martial, Captain Adolphus Andrews, commander of the Mayflower, late today ordered Corporal Andrew Chantous of Cleveland, one of the marines, charged with falling to sleep on guard duty, restored to duty.

AIR FLIGHT TO HONOLULU UNDERWAY

Planes Expect To Break Non-Stop Distance And Time Record In Trip To Hawaii.

San Francisco Aug. 31.—(A. P.)—At 2:26 p. m. the two PN-9 planes had taken their positions in San Pablo bay and began warming up their engines. The hop off was expected within a few minutes.

San Francisco, Cal., Aug. 31.—(A. P.)—If the San Francisco-Honolulu flight that got under way at 2 o'clock this afternoon succeeds, a new non-stop world's record will have been established. The achievement will top that of two French fliers, Captain Arrachart and Lieutenant Lemaire, February 3 and 4, 1923, by more than 50 miles. H. E. Morris, members of the contest committee announced today on behalf of the National Aeronautic association.

The record that the Americans will try to better was established when the French fliers flew from Etampes, France, to Villa Cisneros, Africa, 1967.44 miles. Their time was 24 hours and 30 minutes. The distance to Honolulu from San Pablo bay is approximately 2100 miles.

Third Plane Delayed.

San Francisco, Cal., Aug. 31.—Two of Uncle Sam's giant navy

MINE PROPERTY TO BE PROTECTED

Washington, Aug. 31.—(A. P.)—Officials of the United Mine Workers of America has assured Secretary Davis that every effort will be made to protect property and lives at the mines during the suspension of work in the anthracite coal fields.

The labor secretary who has been keeping in close watch with developments in the anthracite situation previously had expressed concern over the possibility that the mine properties might not have adequate care during the suspension of work, beginning at midnight.

ANOTHER ATTEMPT TO SWIM CHANNEL FAILS

Dover, Eng., Aug. 31.—(A. P.)—G. Brewster, 24-year-old London doctor, who started from here at 11:45 o'clock this morning in an attempt swim of the English channel abandoned his efforts when about seven miles off shore. He had swum about 13 miles. The wind was troublesome and the sea lumpy.

Judge King Will Defend Convicts In Murder Trial



Will R. King

When Tom Murray, Ellsworth Kelley and James Willos, convicts indicted by the Marion county grand jury on charges of murdering two guards in their break from the state prison, appear in circuit court here Wednesday morning for arraignment before Judge Percy R. Kelly they will be represented by Will R. King as counsel for all three.

King, democratic national committeeman from Oregon, former justice of the state supreme court and for eight years solicitor for the federal reclamation service, conferred with the three accused convicts Saturday afternoon and following the conference said that he had agreed to defend them.

Mr. King planned to return to Salem from Portland this afternoon or tomorrow to confer further with his clients and to start work on the defense prior to the arraignment Wednesday morning.

ORENCO BOND DEAL PROBE BEFORE JURY

Portland, Aug. 31.—Proceedings in the grand jury investigation of operations of Keeler and Roth in connection with the Orenco bond deal were held today when John F. Logan, attorney for Keeler and Roth, filed petition before Circuit Judge Tucker, demanding the return of various bonds, securities and other documents seized in the apartment of F. W. Keeler, Tuesday, as an incident to the arrest of Keeler.

At the same time Keeler was arrested, his partner, John A. Roth, who was associated with him in the Rogue River water works company, was arrested on a complaint filed in district court, charging that they were dealing in bonds without a state license.

The documents seized in Keeler's apartments included about \$300,000 in securities part of which were Orenco bonds.

Logan in his petition contends the arrest of Roth and Keeler was on a felony charge—operating without state license—and not a criminal charge, and that the seizure of their effects could not legally be made an incident to their arrest.

District Attorney Myers says the matter seized is of importance in the case before the grand jury in connection with the Orenco bonds and this cannot be carried forward until Logan's point is settled.

The matter will be heard by Judge Tucker at 9:30 a. m. tomorrow.

Bostwick Chief of Staff

Washington, Aug. 31.—(A. P.)—Rear Admiral Luetow A. Bostwick, chief of staff of the battleship, was today appointed chief of staff of the United States fleet, effective after the return of the fleet from New Zealand.

RUTH UNABLE TO SEE LANDIS GOES TO GOTHAM

Chicago, Aug. 31.—(A. P.)—"Babe" Ruth, financially supported by Manager Miller Huggins of New York Yankee, unable to see Baseball Commissioner K. M. Landis today, returned to New York to present his case against Huggins to Colonel Jacob Ruppert, owner of the Yankees, and E. D. Barrow, business manager.

Ruth hoped to make his situation clear to Colonel Ruppert. He had also planned to appeal to Commissioner Landis, and would have taken up his \$1000 fine and indefinite suspension with the commissioner unofficially but the commissioner was at his summer home in Burt Lake, Mich.

"I'm sorry," Ruth said when told that the commissioner would remain in Michigan for two or three days. "I would have liked to have things talked over."

Shortly before climbing aboard the Twentieth Century Limited for New York, Ruth said that he would telegraph Commissioner Landis and communicate with him later.

"Under the rules I guess I can't do anything for ten days anyway," said Ruth.

The National baseball agreement provides that a player may appeal, whenever he feels injustice has been done him, to the commissioner, but not until ten days after suspension.

NEW HEAD NURSE FOR SALEM HOSPITAL

Miss A. Hofeath has arrived in Salem and will take up her duties as head of the Salem hospital tomorrow Sept. 1.

At a luncheon at the Marion hotel this noon the hospital board met with Miss Hofeath and Miss Gladys Steele, retiring head nurse of the hospital. A silver tea set was presented to Miss Steele as a memorial of the good feeling of the board. Frank Deekbeach, member of the board, made the presentation. Miss Steele has been head nurse of the Salem hospital here for more than 5 years.

ALIENIST FOR STATE FINDS NO INSANITY

Expert From Asylum Explodes Suggested Defense Theory After Examining Bandit In Pen.

Tom Murray, 22-year-old leader of the convict trio who shot their way out of the Oregon penitentiary on the evening of August 12, killing two guards and leaving the fourth of their number dead under the walls, is perfectly sane.

This is the statement of Dr. John C. Evans, alienist at the state hospital for the insane, who examined Murray in his cell in the prison last Friday afternoon at the request of the district attorney's office.

"After subjecting Murray to the usual examination I found no evidence of insanity," said Dr. Evans this afternoon. "I visited with him for more than an hour, during which time he told me his entire history, and I found him to be entirely rational."

Unsets Defense Plan.

The findings of Dr. Evans discount the intimation of Murray's father that the defense to the murder charge hanging over the youthful bandit would be insanity. The father, in an interview here, said that when Tom Murray was 11 years old he was struck on the head by a rock thrown by a playmate, and that he had never been mentally right since. Concerning the scar on Murray's forehead, which his father said had been left by the rock wound, Dr. Evans said:

"I found a bump on his forehead, but I attribute this to a weakness of the tissues. There is no evidence that the wound said to have been caused by the rock resulted in any fracture."

Wednesday morning of this week has been set by Judge Percy R. Kelly of the Marion county circuit as the date of the formal arraignment of Murray, Ellsworth Kelley and James Willos on the indictments returned by the grand jury charging murder. Every precaution, it is announced by the authorities, will be taken to block any effort of any of the prisoners to escape during their trial, when they will have a semblance of liberty.

No Handcuffs In Court.

Because it is held prejudicial to their interests the court will not allow the prisoners to remain in handcuffs while they are in the court room, and particular watch is to be kept over Murray to keep him from making a break. It is pointed out that it would be just Murray's type of strategy to take advantage of his freedom in the court room to attempt another escape, and that the court room itself, too small to accommodate the crowd that is sure to try to hear the trials and with a very limited space within the rail, would lend itself admirably to such an attempt unless every precaution is taken to guard against it.

AUTO DITCHED, FOUR INJURED

Martin Holmes of Chemawa reported to the sheriff's office here today that while driving on the west side highway Sunday near Rickreall, a car attempted to pass his machine, struck it and forced it against a machine of W. B. Thomas of Portland, upsetting the Thomas machine in a ditch and injuring some members of the Thomas party.

He reported one woman, name unknown, sustained foot bruises. Mrs. Thomas some minor bruises generally on the body and another woman, name unknown, bruises on the arm. The Thomas machine was turned on its side in a ditch.

Holmes lays the blame for the accident entirely on the man endeavoring to pass him. He says while the attempt was made another car came up from the opposite direction and forced the opposite driver against the Holmes machine.

Tariff Prospective National Issue 1928 Declares Oldfield

Portland, Aug. 31.—The tariff in the prospective national issue between the democratic and republican parties, William O. Oldfield, of Arkansas, chairman of the democratic national congressional committee, declared in his address here this afternoon. Oldfield is touring the country urging democrats to organize in an effort to gain control of the house in the next congress.

The tariff, he declared, represents the essential difference between the republican and democratic theories of taxation and government.

At present, he declared, the country is being run for the rich, but to win in 1928, the democrats must represent a "sound liberalism" which will "protect the average citizen against the aggressions of corruptionists in politics."

"The present administration," Chairman Oldfield charged, "is under the complete domination of the ultra-rich. The president's official advisers are made up of the rich—Mellon, Weeks, Hoover and the rest of them. His unofficial advisers are the Rockefeller, the Garys, the Duponts and the Morgans."