

CIRCULATION
Daily average net paid circulation for
month ending September 30, 1925
7077
Average daily distribution 7442.
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Capital Journal

GENERALLY CLOUDY
Tonight and Saturday, Warner in east
portion tonight, light variable winds.
Local: Max., 45; min., 46; rain, none;
river, -2.2; airmos. clear; wind, NW.

FORTY-SEVENTH YEAR No. 241

SALEM, OREGON, FRIDAY, OCTOBER 9, 1925

PRICE THREE CENTS ON TRAINS AND NEWS
STANDS FIVE CENTS

GUARDS SAW MURRAY SHOOT

ONLY TRAFFIC FOR ONE LINE SAYS SPROULE

President of Southern Pacific Objects to Extension of Northern Line as Against Public Policy

Portland, Or., Oct. 9.—William Sproule, president of the Southern Pacific company, testifying here today at the interstate commerce commission hearing on proposed railway developments in southern Oregon and northern California, said the opposition of the line to the plans of the Next Junction Oregon all the time from Bend to

We oppose entry into this territory by that line, as not in the public interest, but as representing a real detriment to the public through dividing between two lines a business which is not more than enough for the support of one," he said.

Again Public Interest.
"It is against the public interest to construct more railways than are needed. Excess construction only results in a lame runner upon the money put into the lines, with an inferior service by each of them and a burden upon the public."

He said the Southern Pacific's plans provide facilities for all traffic of the Klamath territory, superior to those proposed by the Oregon Trunk without duplication.

Mr. Sproule asserted that the plans would give Oregon a new direct transcontinental line to the east.

This line, he said, would be located on the one main line east from Oregon was based on applications of his company for authority from the interstate commerce commission to construct a line from Klamath Falls, on the new Eugene-Klamath Falls line, south-easterly through the Tule lake country, to the broad-gauge Nevada-California-Oregon railway at Alturas, then via Ogden to the east.

Construct New Line.
Mr. Sproule's testimony with respect to the new main line east from Oregon was based on applications of his company for authority from the interstate commerce commission to construct a line from Klamath Falls, on the new Eugene-Klamath Falls line, south-easterly through the Tule lake country, to the broad-gauge Nevada-California-Oregon railway at Alturas, then via Ogden to the east.

The Southern Pacific's line from Klamath Falls via Naton to Portland, Mr. Sproule pointed out, is 117 miles less than to Portland via Bend over the proposed Oregon Trunk line. He also cited comparison of distance from Klamath Falls to Chicago, St. Louis, St. Paul, Omaha and Kansas City via Bend and via Alturas.

Distance Comparisons.
Mr. Sproule's comparisons of rail distances to eastern points follow:

"To Chicago the line via Bend will be 293 miles longer by Great Northern and 277 miles longer by Northern Pacific."

"To St. Louis, the line via Bend will be 581 miles longer by Great Northern and 435 miles longer by Northern Pacific."

"To St. Paul, the Alturas line will be 46 miles longer than the Great Northern and 19 miles shorter than the Northern Pacific."

"To Omaha, the Alturas line will be 430 miles shorter than the Northern Pacific via Billings."

"To Kansas City, the Alturas line will be 265 miles shorter than the Northern Pacific via Billings."

"Locally, Southern Pacific proposals," said Mr. Sproule, "first promote the natural development of territory in Oregon on the Nevada-California-Oregon railway in the Lakeview basin; second, through our taking an interest in the Oregon, California and Eastern road, those lines will be extended to make available the timber resources tributary to the Sprague river and the Williamson and Spear rivers; third, through the Naton cutoff, we will serve the Cascade and Klamath region."

Regarding the Klamath-Tule Lake-Alton line, Mr. Sproule said: "If the Oregon Trunk line is not built and if the application of the O. C. & E. has the approval of the commission there is no question that the Straborn line, in which the Southern Pacific will have a joint interest, will care properly for all traffic needs in the timber region."

(Continued on Page Seven.)

Southern Pacific President Presents Klamath Contentions



GERMANY ASKS CONCESSION FOR JOINING LEAGUE

Locarno, Switzerland, Oct. 9.—(A. P.)—The German delegates to the conference are striving to insist that they must take back some tangible promise that was initiated under the league of nations covenant against aggressor states shall not be fought on German soil.

In an endeavor to meet the German views the juridical experts of the conference are striving to construct a formula which may be made a part of the league security pact or be attached as an annex, committing the signatories to support the German interpretation of article 16 of the covenant in their capacity as members of the league council.

(This article, outlining the procedure to be taken against an aggressor state, binds the league members "to take the necessary steps to afford passage through their territory to the forces of any of the members of the league which are co-operating to protect the covenant of the league.")

Dr. Stresemann, foreign minister of the reich, told M. Briand of France today that Germany has no binding agreements with Russia (initial to the allies, but that Germany must conserve her friendship with Russia as a neighbor state).

If Germany consents to join the league, the French say, solution of the problem of France's guarantee for Poland will immediately become easier.

SAYRE CONSIDERED FOR PRESIDENT

It became known here today that the name of Francis B. Sayre, son-in-law of the late President Woodrow Wilson, may be placed before the board of regents of the University of Oregon as a possibility for the presidency of the university.

As far as can be gathered from the information Mr. Sayre is not a candidate for the place, nor has he yet been approached on the subject, but it is understood that some friends of the university who are not satisfied with the progress so far made toward the selection of a president, may urge that Sayre allow his name to be submitted to the board.

Sayre is now a professor of international law in Harvard university.

Rumanians Fail to Sail.
Bucharest, Rumania, Oct. 9.—(A. P.)—It is learned that the Rumanian debt funding commission, which was due to sail from Chisbourn for the United States tomorrow, has cancelled its passage.

Wesley Wins, Eng. Oct. 9.
Miss D. R. Fowler of North Hants won the English women's golf championship today, defeating Miss Joy Wynn in the 36-hole final by nine up and seven to play.

FILE BILL FOR STATE OWNED POWER PLANT

Initiative Measure Proposed For Constitutional Amendment Presented by Housewives.

Initiated by the Housewives' council of Portland, a hydro-electric bill which is a proposed constitutional amendment has been filed with Secretary of State Keizer, to be voted on at the general election in November, 1926. If the required number of signatures are obtained for the petitions, at least 3 per cent of the number of voters who voted for supreme justice in the last preceding general election are required. The measure will go to the attorney general for ballot title at once. Those whose names are attached to the bill are Josephine M. Orhus, Mary A. Deam and Clara M. Simonton.

The measure provides for an Oregon water and power board of five members, who shall be elected from the state at large by a vote of the people without regard to political affiliation or nomination, and they shall have been citizens of the state at least five years prior to their election. The members shall hold office six years, two of them to be elected for two successive elections and one at the general election on the sixth year, with the exception of the members of the first board who shall be: Waldo Anderson, Albany; J. T. Rorick, The Dalles; Frank M. Gill, Dufur; Kate Barham and Dan Kellisher, Portland.

Members of Board.
The members of the board would serve without pay but receive their necessary expenses. In case of a vacancy on the board the successor would be chosen by the remaining members, the member so chosen to hold office until the next general election or until his successor shall have been elected and qualified.

Among the powers of the board would be to construct, or acquire by purchase or otherwise "lands."

RAIN POSTPONES WORLD SERIES

Washington, Oct. 9.—(A. P.)—Today's scheduled world series game between Washington and Pittsburgh was postponed on account of rain.

The postponement was announced after a conference on the field between Manager McKelreth of the Pirates, Clark Griffith, president of the Senators, and K. M. Landis, baseball's high commissioner.

The outfield was found to be very muddy and the canvas covering on the infield was spotted with pools of water. The rain-battered spectators who had been optimistic enough to take their seats filed slowly from the park.

Under the rules agreed upon the teams will play here tomorrow, Sunday and Monday, today's postponement merely setting back the schedule for one day.

Shenandoah's Cruise Due to Politics Says Commander's Widow

Washington, Oct. 9.—(A. P.)—Mrs. Margaret Ross Landowne, widow of Commander Zachary Landowne, captain of the Shenandoah, reiterated today before the naval court inquiry that the navy department had ordered the ship on the western flight for political purposes over the protest of her husband.

To support her statement, she read from the official correspondence introduced into the record showing that Landowne wanted the flight postponed to the second week in September and also wanted a trial flight to test the Detroit flying mast.

"My husband was very much opposed to this flight," she said.

LEGION ELECTS M'QUIGG OF OHIO LEADER

Result a Landslide For Cleveland Man—Served In Spanish American And World Wars.

Omaha, Neb., Oct. 9.—(By Associated Press.)—John R. McQuigg of East Cleveland, Ohio, was elected national commander of the American Legion on the first ballot at the Legionnaires' final session of their seventh annual convention here today.

The election was decided with the vote of 13 delegations still to be recorded. It was a landslide and upon motion of Howard Savage, Illinois, defeated candidate, and Edward Spafford, New York, losing candidate, was made unanimous.

Commander McQuigg has had an extensive career as a soldier and officer serving in the Spanish-American war, on the Mexican border and in the World war. He is 53 years old.

He began his military career with entrance to Wooster college as a cadet and in the Spanish-American war served with the famous Cleveland Grays and the First Ohio engineers, winning the rank of captain and major. On the Mexican border he served as colonel in the provisional regiment of engineers.

In the World war, Commander McQuigg mobilized the 112th engineers. He served in the Baccarat sector and was wounded in the Argonne. His service was recognized and he was appointed brigadier general of the Ohio national guard and placed in command of the 3rd infantry brigade in the 37th division.

With retirement to civilian life, Commander McQuigg became identified with American Legion work. He was elected commander of the Ohio department, serving from 1920-1921. He also served as a member of the national executive committee from 1921 to 1924, and is a member of the Frederick W. Galbraith Jr. memorial committee of the legislative finance committee.

In private life Commander McQuigg is an attorney and banker. Mrs. Eliza London, Steward of San Francisco, was elected national president of the women's auxiliary to the American Legion at the closing session of the national convention today. She defeated Mrs. Ruth McCurry Brown of Little Rock, Ark.

MEDFORD VOTES WATER SYSTEM

Medford, Or., Oct. 9.—By an overwhelming majority the people of Medford at a special election yesterday voted for a new city water system with a source at Big Butte springs, over 30 miles away, to cost when completed \$375,000.

A bond issue of \$50,000 for a new temporary city hall was also voted three to one, it being understood that this building will be used as a temporary court house, in case the people of Jackson county vote to move the present court house at Jacksonville to this city.

Tim Derry Not Guilty.
Dallas, Or., Oct. 9.—Tim Derry was freed on a charge of possession of a still by a jury in Judge Ramsey's court Thursday afternoon following a trial which began Wednesday afternoon. Derry had been at liberty under \$400 cash bail since last spring. He was represented by E. K. Plascett of Dallas.

Varsity Students In Bad; Locked Prof In Library

One student of Willamette university has been suspended from school, another has been placed on probation for six months, and the probation of three others will follow immediately, as a result of an escapade taking place in the school library Monday night. It was reported today. These mixed up in the escapade are:

Paul Day, president of the student body and son of J. W. Day of Portland, chairman of the committee on religion of the university board of trustees; Kenneth McCormick, son of Professor McCormick of Kimball school of theology; Bruce Spaulding, son of a prominent Methodist minister; Loyd Warner, member of the Salem city Y. M. C. A. staff and manager of the 1925 Willamette; and Cornelius Bateson, step-son of W. C. Culbertson, the proprietor of the New Salem hotel in Salem and the Seward hotel in Portland.

Bateson has been suspended for two weeks. It is said, and Warner has been placed on probation for six months. For some reason the sentence was postponed on the other three, but it is reported that they will be notified soon.

The escapade itself concerns a piano left in the library following the formal reception of the campus Y. M. C. A. and Y. W. C. A. the previous Saturday evening, a piece of rope and the door leading into the library's office.

The door leading from the library into the office of the librarian happened to be closed and the librarian, Dr. E. G. Franklin, happened to be inside it, a rope was neatly tied to the knob of the door, with the obvious result. Dr. Franklin promptly unlocked the door knob from the inside, jerked open the door, leaving the outside knob fastened to the rope, and proclaimed that there would "be no more library tonight," according to guarded reports circulating on the campus.

President Doney of the university, when asked about the episode this morning, refused to comment.

FRANCE LIKELY TO REJECT DEBT FUNDING PLAN

Paris, Oct. 9.—(AP)—With the new approach of Finance Minister Caillaux on his return to France from the debt funding conference at Washington, it seems apparent that storm clouds are beginning to hover which may, when they break sweep away the tentative debt agreement.

M. Caillaux is expected to arrive at Havre Saturday and to make his report to the cabinet and the finance committee of the chamber of deputies before nightfall. But already the tentative plan calling for an annual payment of \$40,000,000 for five years has met with opposition from a source strong enough, in the opinion of political observers to militate against final passage by parliament of the project.

This opposition comes from no less a personage than M. Franklin-Bouillon, president of the foreign relations committee of the chamber. M. Franklin-Bouillon considers the Washington arrangement an "attempt to gain time on the basis of postponing a definite solution for five years." He so told his guests at a luncheon at the American club and added that he would vote against the tentative agreement.

The statement of M. Franklin-Bouillon has set the political world talking, for it is realized that his opposition as president of the foreign relations committee likely will mean rejection of the project—that is, if the project is followed by the deputies when they are called upon to vote on the question.

There seems to be a feeling in some quarters that not alone will M. Franklin-Bouillon be victorious in his opposition but that the Painleve government may be cast out of power on the debt question.

**COLONEL DAY SPEAKS
TO UNIVERSITY STUDENTS**
Eugene, Or., Oct. 9.—"Education today should be founded on two great principles—the search for truth, and the application of a sense of value," declared Colonel Frank P. Day, of Carnegie Institute of Technology, Pittsburgh, in an address before the Eugene chamber of commerce.

Colonel Day, who is regarded as a possible candidate for the presidency of the University of Oregon, also addressed the university students in assembly and spent the day on the campus.

New problems brought about by the great influx of students into the universities and colleges of the day were stressed by Colonel Day in his talk. The present day democracy is founded on the education of all the people, he said.

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BANKERS PLAN TO REORGANIZE ST. PAUL LINE

Kuhn, Loeb and National City Ready To Take Railroad From Receiver And Finance It.

New York, Oct. 9.—(A. P.)—Bankers are ready to take the Chicago, Milwaukee & St. Paul railway, the largest railway in the country from the hands of the receiver and place it on a firm financial basis.

Kuhn, Loeb & company and the National City company, reorganization managers, in statements published today, declared operative a re-adjustment plan despite opposition. The bankers said nearly one-half of the outstanding junior bonds of the company had been pledged in support of their plan.

The reorganization scheme involves the reduction of the road's interest charges from \$21,836,792 a year to \$11,466,845 by transferring all except the underlying mortgage obligations into income bonds. The interest bearing debt is reduced from \$159,521,156 to \$242,069,220 and \$135,000,000 short term bonds are to be converted into long term obligations. The road's \$55,000,000 debt to the government is to be liquidated. Preferred stockholders are to be assessed \$28 a share and common stockholders \$32 a share.

The opposing group headed by George E. Roosevelt of Roosevelt & Sons, bankers, charged the reorganization plan with being needlessly drastic and attacked especially the liquidating of the government debt.

The St. Paul was thrown into receivership March 18, when a suit to foreclose the property was filed in Chicago. The road is capitalized at \$750,000,000 and is the largest ever to go into the hands of receivers.

BISHOP BROWN GOES TO COURT

New Orleans, La., Oct. 9.—(A. P.)—Bishop William Montgomery Brown today began an attempt to transfer his case from the Episcopal church court to the United States district court. Bishop Brown whose conviction on charges of heresy was approved yesterday by the house of bishops meeting in general convention here, retained the New Orleans law firm of Spencer, Glider, Phelps & Dunbar. The New Orleans attorneys began preparation of a petition asking a federal injunction to restrain the house of bishops from executing sentence against him.

STEAMER PERRY RETURNS

Monhegan Island, Maine, Oct. 9.—(A. P.)—The steamer Perry of the MacMillan Arctic expedition arrived here today in advance of the schooner Bowdoin. The latter had not been sighted when the Perry dropped anchor in the harbor of this isolated seaport, 20 miles from Booth bay harbor. The Bowdoin was expected before dark.

Robbers Pile Up 700 Pounds of Butter at Jefferson and Flee

Cremona robbers who have been operating over the Willamette valley and points in Washington made another raid last night, but an unsuccessful one, when they broke into "the creamery at Jefferson, piled 700 pounds of butter on the creamery platform, and left it there, evidently being scared away before they could get the loot into a truck to haul it away.

The robbers have been terrorizing small creameries over a large radius, some of the creameries which have been entered and robbed being at St. Paul, Hubbard, Aurora, Monmouth, Newberg twice Silverton and some others.

Cremona men are up in arms and have been discussing wage and means of protecting their business places from the looters. Some of them are talking out burglary insurance while it may be some system of guarding may be attempted.

Poultry raisers also have been the victims of wholesale thefts all up and down the valley and the poultry association has taken steps toward receiving contributions from their members to offer \$300 reward for the apprehension and conviction of chicken thieves.

CAREY STATES SAW FATAL SHOTS FIRED

State Scores In Decisions—Strong Case Woven Against Murray—Guards Testify.

The morning session of the court in the trial of Tom Murray for the murder of Guard John Sweeney in the prison break of August 12 was one of reverses for the defense, and when the noon recess was called the state had succeeded in weaving a strong chain of circumstantial evidence about the convict defendant.

The first reverse for the defense came upon their application to the court to call James Willos and Ellsworth Kelly, defendants in the case with Murray, to the stand as witnesses. The court held that they could not qualify as witnesses in a case in which they were jointly named as defendants. The plan of the defense that they be allowed to call other convicts confined in the prison was also denied as being forbidden by statute, and the defense was advised by the court that if it desired to introduce the testimony of other convicts it would have to do so by deposition taken at the prison, and that such depositions could only be taken after the defense counsel had filed affidavits with the court showing the nature of the testimony to be offered and its materiality in the case.

Fired From Behind Tree.
That Murray and the other convicts did stand behind the oak tree between the turnkey's office and tower No. 1 and fired into tower No. 1 from that position, as contended by the state, was one of the principal points brought out in the testimony of James R. Carey, guard who stood in the chapel window overlooking the front yard at the time of the escape and witnessed the break.

Murray, at the time, he was standing behind the tree, was shooting into tower No. 1, in which Guard Sweeney was killed by a pistol bullet, with a pistol, Carey declared.

Carey said he was in the chapel at the time of the break and heard the shots fired, the first being fired from within the turnkey's office where the convicts took the guns from the arsenal. Carey said he first saw the convicts, Murray and Oregon Jones, when they emerged from the turnkey's office and stood on the porch there firing with rifles at tower No. 1. He said he saw Guard Holman fall back through the door in tower No. 1, and also saw Murray hand a rifle to Willos at the bottom of the stairs outside the turnkey's office.

Crossed to Oak Tree.
From there, Carey said, Murray, Willos and Jones crossed the yard to the oak tree. After firing several shots from behind the tree the three convicts ran for the steps leading up to tower No. 1, with Murray in the lead.

"Did Murray have anything in his hand as he went up the stairs to the guard tower?" asked District Attorney Carson.

"He had a pistol in his left hand," replied Carey. "I didn't see that he had anything in his other hand."

Carey said Murray was the first of the three convicts to mount the steps.

Carey testified, over objection of counsel for the defense, that he had overheard Murray say after he had been returned to the prison that he was a good shot and that "he never missed."

Sweeney First Tower.
The presence of Guard Sweeney in the tower was explained by Henry L. Foster, a guard at the prison at the time of the break. Foster said that he was sitting in the dining room eating dinner when he heard the prison gong ring, and remarked about it. Soon after he heard someone shout halt, and then heard shots. Sweeney was also in the dining room, and at the sound of the gong shot rose and dashed for the door, Foster said.

Sweeney first went to the front gate, but when he was unable to get in there ran to and entered tower No. 1 from the outside. Foster declared. He said he saw Sweeney enter the tower, but did not see him shoot.

(Continued on Page Seven.)