

Capital Journal

Salem, Oregon
An Independent Newspaper Published Every Afternoon Except Sunday
at 136 S. Commercial Street. Telephone 81; News 82

GEORGE PUTNAM, Editor and Publisher

Entered as second class mail matter at Salem, Oregon

SUBSCRIPTION RATES

By carrier 10 cents a week, 45 cents a month, \$5 a year in advance.
By mail, in Marion and Polk counties, one month 50 cents, 3 months \$1.25, 6 months \$2.25, 1 year \$4.00. Elsewhere 50 cents a month, \$5 a year in advance.

FULL LEASED WIRE ASSOCIATED PRESS SERVICE
The Associated Press is exclusively entitled to the use for publication of all news dispatches credited to it or not otherwise credited in this paper and also local news published herein.

"Without or with offense to friends or foes
I sketch your world exactly as it goes."—BYRON.

Cannot Search Dwellings

Coming to the rescue of what its own rulings upholding the Volstead act have left of the Constitution, the federal supreme court declares that search of a private dwelling on suspicion without a warrant is "unreasonable and abhorrent." The decision was rendered in a narcotic case from Brooklyn. Congress, it declares, never authorized such a search. The court remarks:

While the question has never been directly decided by this court, it has always been assumed that one's house cannot lawfully be searched without a search warrant, except as an incident to a lawful arrest therein.

The sleuths made the mistake, in this case, of not only searching the house where the contraband was, for which there was a warrant issued, but of searching other places on suspicion. But who could blame the sleuths, for the same court had previously set aside the constitution and permitted the search of persons and effects, such as automobiles, ships, motor boats and wagons—so why draw the line at dwellings? Only a legal mind can comprehend the difference, for does the Constitution not say:

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

Stanfield's Chances

Amusing comment is going the rounds of the press regarding Senator Stanfield's chances of renomination. We are repeatedly informed that "Stanfield is slipping" and that, since the Baker episode, he is out of the running.

As usual, the majority is wrong, and Stanfield is likely to be renominated. It is an axiom of politics that you can't beat somebody with nobody and most of the candidates trotted out are nobodies, as far as ability, experience or fitness to be a United States senator is concerned. None are any improvement upon Stanfield, who has the advantage of six years experience and important committee positions.

As to prohibition all are in the same boat, all wet, but voting dry, all as big hypocrites as the incumbent, all of them symptomatic of the age of bunk.

With a divided field and a solid support, it looks like Stanfield, who though he wasted his time at first, has been on the job the past few years. He is as capable as any of them, more so than some of them. Who is going to beat him?

Unnecessary

C. R. Wade, field officer for the Oregon Humane Society, who among his other duties, has assisted at several rodeos, declares that when humane events only were on the program, the round-up proved more enjoyable than when horses and cattle were treated cruelly. He shot more stock at the Pendleton Round-up two years ago than in two months this year at round-ups at Lakeview, Burns, John Day, Redmond and Prineville, where he had complete charge of the shows.

Had Mr. Wade officiated at Pendleton Round-up this year, he would probably have shot more animals than two years ago, for newspaper accounts were replete with the crippling of beasts and injuring of persons, which, as Mr. Wade asserts, is unnecessary.

Barbarous cruelty is not an asset but a detriment to any spectacular pageant.

The Husband Tamer

By Violet Dare

PARTNERSHIP

"Mr. Gillespie will have to get another lawyer," Andrew told her as they got in the elevator. Andrew was always absurdly conscious of the necessity of talking—and of not saying anything interesting—before the elevator man.

"I was afraid that you would refuse," she replied in an equally colorless voice, turning to smile at him mischievously behind the elevator man's back, quite as she had in the old days. "You shouldn't, you know. It will mean a lot of money."

"He didn't answer her until their taxicab was heading toward her hotel. Then gruffly he drew her to him and in a husky voice begged her to come back to him."

"I never realized until tonight how I'd used you. Of course, I cannot take Gillespie as a client, no matter how much money it means. You went out and landed him for me—and it was no more than you had done before. But this time I realized how dependent I had been on you, how degenerate it was for you."

Patricia smiled a little to herself as she realized how innocent she had been of any plan to bring him to his senses.

"I want you to come back," he went on. "And I'll try to give you everything you want. I've learned, my darling, that I can run my business without you. I haven't done badly, you know, since you've been away. But I can't live without you. I need you. There isn't any joy in life without you."

Pat slipped her arm around his neck and a little sob shook her shoulders.

"And I thought tonight was the end of everything," she whispered, burying her head deeper on his shoulder. "You were so polite to me."

Her little drawing room at the hotel looked cold and cheerless as they came in, though the big bowls of flowers and delicate French furnishings had seemed charming to her only a few hours before.

"We'll have a great big open fireplace with big chairs that can sink down in it." Patricia started on enthusiastically, as he asked her if she wouldn't go hunting with him the very next day.

"And we'll spend all our evenings in them," he assured her laughingly as he held her closer in his arms. "Unless you get a hankering once in a while to go to see the lollies or take a look at the cabarets you used to be so weary of."

Patricia sighed exultantly. "I'd like to go a few times just with you and perhaps Linda Boyce and her husband. And I'd like to be actually rude to all of you just to make up for the things when I've had to be polite to people who meant nothing to my life. But, Andrew, can we do it? Buying the house and all is going to be awfully expensive. Can you afford to let down all at once? I could stand fishing business for you if it meant cabarets every night and entertaining a dozen women like Mrs. Hewitt at our house. If I was really sure that we could get away from it sometime in the future."

"You darling!" Andrew exclaimed. "It won't be necessary though," he exclaimed a few minutes later. "I won't be fishing for clients, at least for awhile. I made connections over in London that will keep me occupied for a long time. But I'm not even going to tell you about my business any more. The next time I go to London—and that is in a few months—you are going with me. I never was a miserable in my life as when I went alone."

"But Linda was on the boat—and how about that girl in the snuff shop?"

Andrew grinned sheepishly. "Some friend of Linda's. Didn't know her myself, but got into the picture so that Linda would send it to you, hoping to make you jealous. Then I went back to the smoking room, where I spent most of

my time, and the next day I said Murray, the convict figured that the guard in post No. 7, would leave the post when the engine entered the yard and go guard another point. Things happened he said, as they planned.

3 CONVICTS WITNESSES FOR MURRAY

(Continued from Page One.)

case Attorney Will R. King questioned Murray further in the afternoon relative to circumstances at the prison tending to place him in fear of his life. Among Murray's replies to these questions was the assertion that Guard John Davidson fired a shot in the direction of Murray and two other convicts not long before the break of August 12. Murray said the bullet hit about six feet from him.

Murray described in reply to King his two previous escapes from the penitentiary, the first when he and five others went over the wall at No. 7 tower and the second when he and another prisoner swam under water in the mill race during a Sunday ball game and saved through the bars in the race where it passes under the prison wall. The escape over the prison wall he said was brought about by the convicts tipping two known "stoops" in the prison that they were going to seize a Southern Pacific switch engine that operates into the prison yard and run it through a gate. Knowing the "stoops" would tip the officers,

King and Salem and the various crimes he has committed. Murray at the present time is on parole from San Quentin.

Murray told of three times that he had been committed to the "bull pen" once after the first escape over the wall, a second time for his connection with attempting to tunnel out of the prison and the third time after his return from Butte, Mont., where Murray was caught after his second escape.

Reason For "Bull Penning" Refuting the defense relative to Murray's alleged mistreatment at the prison District Attorney Carson asked:

"You knew you were put in the bull pen after that didn't you?" referring to the first escape.

"I had no idea why," answered Murray, "because the warden told me I wasn't to be punished for that escape."

"Were you connected with the tunneling attempt?" asked Carson. "I was."

"You knew you were put into the bull pen that time because you were suspected of being implicated in that didn't you?"

Murray denied that he told Zinn that he shot Sweeney between the eyes. He admitted saying in the statement dictated to Newman that he killed Sweeney, but in explanation of this he said:

Reasons For Statement "I made that statement," he said, "for several reasons. One because the newspaper reporters had given the impression that we had killed the guards without giving them a chance. My statement corrected this. Another reason was that I wanted to instill fear into the Newman family, and a third reason was that I wanted to give Mr. Newman a chance to make something out of the statement, and I knew the more like a dime novel it read the more he could make out of it."

Murray said he did not remember of telling Otto Lucht of Monticello that he had shot Sweeney thru the right eye.

"If I told him that," he said, "it was to impress upon those boys the fact that they better not make any kind of a crazy move."

"Would you have killed them?" asked Carson.

Laughing smugly, Murray answered: "I refuse to answer that." Carson did not insist on an answer.

Evasive In Answers Murray stalled in his replies to a question as to where the convicts got the rope that aided them in their escape, first refusing to answer until the court ruled that he must.

"We stole it," he said. "From whom?" "The state of Oregon."

"Where?" "The penitentiary."

"At what place?" "The bath house in the boiler room."

Similarly Murray stalled in his answers as to where they got the escape at the first chance. Since then I haven't had much use for

was obtained, saying to do so would incriminate another convict and Judge Kelly ruled that he need not answer.

He and Jones Laid Plan Murray said the escape was planned by himself and Jones about a month before the break and Kelly and Willows were not let in on it until about a week before. He said there was no definite plan to free all the prisoners.

"I don't think there are more than four or five men there who would go out if the door was left open," he said. "Most of them would rather 'stoop' their way out."

Relative to the first plan to use guards as shields and go out the front gate Murray said the convicts had seen enough of the guards to know they would not refuse to act and that no one but a fool would refuse.

Murray, replying to further questioning by King, denied that he hit Turkey NeSmith with a cupholder and declared NeSmith wasn't hit with anything but Oregon Jones' fist.

When the original plan to use guards as shields failed, Murray declared that the escape became a matter of life and death, whether they went ahead with it or quit. To quit, he said, would have meant a lingering death in the bull pen.

Character Witnesses Heard Two character witnesses, who were also asked to testify as to the effect upon Murray of the blow on the head with a rock that he received when he was 14 years old, were called by the defense yesterday afternoon. They were Mrs. Anna Dowell and James Murray, the defendant's sister and father, respectively.

Mrs. Dowell testified that prior to being hit by the rock Murray was always a "good-natured, cheerful boy," but that a year or so after the injury he began to withdraw a desire to get away from home.

She said that during a seven-month stay that Murray made on the farm of his mother and his father in western Lane county during 1922, following his parole from San Quentin prison, he used to "take spells of moodiness, followed by spells of temper."

Murray's father said that after the defendant received the blow on the head and while he was still at home, "he would get hot tempered, wanted to fight and did not want to stay at home or do what he was told."

The defense recalled Rev. C. H. Bryant, protestant chaplain at the prison, to the stand, ostensibly to testify as to conditions in the "bull pen," and regarding the use of metaxamuna by the convicts. The court, however, the prosecution to this line of questioning and the witness was excused.

By Chick Young

DUMB DORA

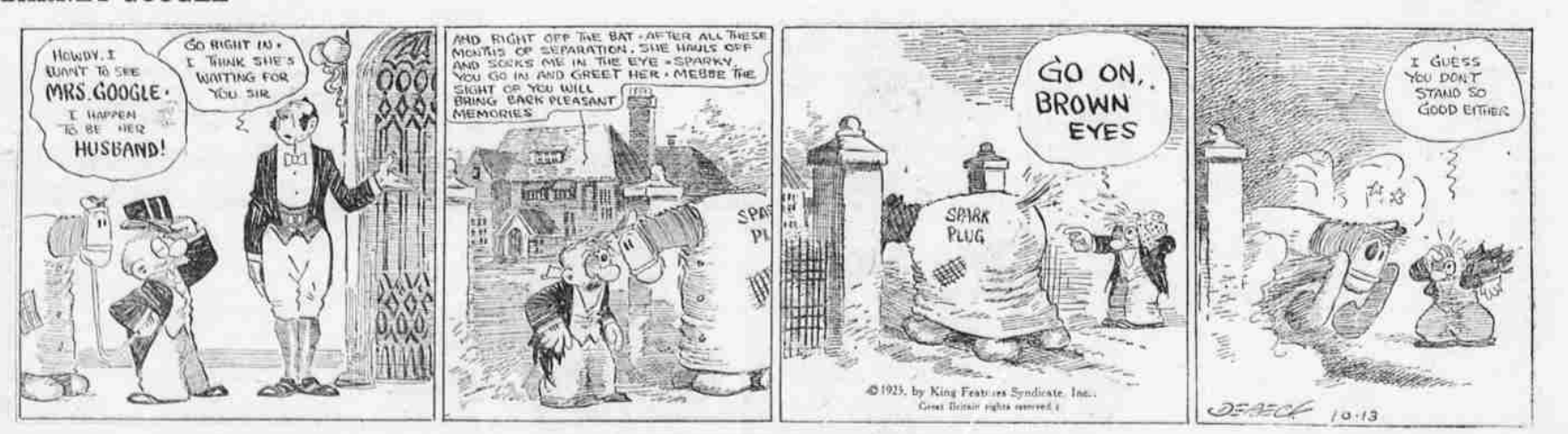


BRINGING UP FATHER



By George McManus

BARNEY GOOGLE



Mrs. Google Shows No Partiality

By Billy de Beck

MUTT AND JEFF



He Just Thinks He Isn't

By Bud Fisher