

Capital Journal



CIRCULATION Daily average net paid circulation for month ending September 30, 1922 7077

FAIR WEATHER Tonight and Tuesday, moderate temperature, light variable winds.

Forty-seventh Year No. 249 SALEM, OREGON, MONDAY, OCTOBER 19, 1925 PRICE THREE CENTS ON TRAINS AND NEWS STANDS FIVE CENTS

MURRAY PLEADS FOR MERCY

NATIONS OF EUROPE AGREE UPON PEACE

Frontiers To Be Respected—Attacks Refrained From—Britain to Leave Cologne Bridge Head.

Paris, Oct. 19.—(A. P.)—Article one of the Locarno treaty guarantees "the inviolability of the frontiers of Germany and Belgium, and Germany and France, as fixed by the Versailles treaty."

GOOD EVENING WORDS AND MUSIC By Stoddard King

CHEMICAL CAROL A new protection against clothes moths has been found by the bureau of entomology of the United States department of agriculture in the form of paradichlorobenzene.

But now they'll be buggard and lean. For none can survive a brief, gruelin' bout With paradichlorobenzene.

There are 550,000 radio sets on American farms, but for rural dissemination of news no broadcasting system has ever equaled the old party line telephone.

DEMAND RIGHTS OF WASHINGTON SAYS CROSSLEY

"Where we pay the taxes we do, this state is entitled to some consideration from the federal government, and that without begging for it," James J. Crossley of Portland, candidate for the republican nomination to United States senator from Oregon, stated in a speech before the Salem chamber of commerce here this noon.

BRITAIN TO LEAVE

Paris, Oct. 19.—(A. P.)—Expectations that the evacuation of the Cologne bridgehead would be one of the first tangible results of the security agreement reached at the Locarno conference were strengthened by declarations made by the British foreign secretary, Austen Chamberlain this afternoon after an interview with Premier Painleve.

POSTOFFICE AND STORE AT CASTLE ROCK ROBBED

Pendleton, Oct. 19.—According to meager reports received here from Boardman today the store and postoffice at Castle Rock, Ore., seven miles west of Boardman, were totally destroyed by fire Sunday evening about nine o'clock.

IT'S HEAVEN OR HELL FOR ALL-SUNDAY

Record Crowd Hears Evangelist Discourse Salvation, Damnation And Fundamentalism.

"It's heaven or hell for everybody," Billy Sunday, evangelist, told the crowd that was packed into the First Methodist church to hear him this morning.

"Go ahead," he said, "pile up your wealth, get your education, acquire your personal charms, it won't lift you an inch toward the kingdom of heaven."

On Fundamentalism Commenting on the status of the American public, the evangelist early in his speech declared that "if the present rate of insanity increase keeps up, and the present increase in population, in 2100 every man, woman and child in the country will be bughouse," but later stated that "the common people of the country are always sound on fundamentals."

ARIZONA WAGE LAW FOR WOMEN HELD INVALID

Washington, Oct. 19.—(A. P.)—The Arizona minimum wage law for women was held to be unconstitutional today by the supreme court.

VOLSTEAD LAW AGAIN UPHELD BY HIGH COURT

Washington, Oct. 19.—(A. P.)—The constitutionality of the Volstead act again was upheld and its provisions discussed in detail today by the supreme court.

Washington, Oct. 19.—(A. P.)—The supreme court today affirmed an order of the federal district court at Chicago restraining enforcement of an order by the Illinois commerce commission in August, 1923, which would have made reductions in the rates of the Illinois Bell Telephone company for nickel in bus service in Chicago and that vicinity.

Washington, Oct. 19.—(A. P.)—The supreme court today dismissed for want of jurisdiction the attack upon the California syndicalism law by Charlotte Anita Whitney.

London, Eng.—King George reads a chapter of the Bible every day.

MELLON FOR HEAVY CUT IN TAXATION

Secretary Seeks to Reduce Surtax to 20 Per Cent Maximum—Similar Decreases All Along Line.

Washington, Oct. 19.—(A. P.)—A reduction of the maximum income surtax to twenty per cent with corresponding decreases all along the line was proposed to the house ways and means committee today by Secretary Mellon.

The normal rate would be fixed under the secretary's suggestions at one half per cent instead of two per cent on incomes up to \$1000; at 3 per cent instead of four per cent on incomes of \$1000 to \$2000 and at five per cent instead of six per cent on incomes in excess of \$2000.

He opposed repeal of the tax on tickets to theaters and other places of amusement and various other proposals for amendment of the present law, including any extension in the jurisdiction of the board of tax appeals.

The secretary's recommendations, based on the conclusion of the committee, are as follows: Repeal of the income tax law.

SHOOT COYOTE IN BLIND SCHOOL CHICKEN PENS

William McCarroll, engineer at the state school for the blind, located in the heart of one of Salem's residential districts, this morning shot and killed a coyote in the state school's chicken pens at the rear of the school.

Paris, Oct. 19.—(A. P.)—The first spring styles in women's hats of the 1925 season were seen yesterday at the Bois de Boulogne track at the close of the 1925 flat racing season.

WOMEN'S SPRING HATS DISPLAYED AT PARIS

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'Jordan' Receives 63 More Offers To Wed for \$400

The mysterious Miss "Jordan" who advertised for a husband for four months duration to clear up an estate and offered \$400 for the use of the man's name, appeared by Western Union messenger from the Y. W. C. A. club rooms late Saturday evening, claimed the some 50 odd letters and telegrams which came for her and disappeared in the night.

ELECT DURHAM HEAD OF MARION TEACHERS CLUB

H. F. Durham, principal of the Park Junior high school of Salem, was elected head of the Marion county division of the Oregon state teachers' association at its session here Saturday.

Vice president, Mrs. Maude Mochel, head of the English department of Woodburn high school, secretary-treasurer, Miss R. A. Richardson, of Silverton; members of executive committee, from 2nd district, O. S. T. A., Supt. J. O. McLaughlin, of Corvallis; vice president O. S. T. A., Mrs. Susanne Holmes-Carter of Jackson county.

The last two elections committed this county in favor of candidates outside the county. If the majority of counties in the 2nd district vote in favor of McLaughlin he will become a member of the state executive committee from the district.

THREE KILLED WHEN AIRPLANE BOMBER FALLS

Cape May, Court House, N. J., Oct. 19.—(A. P.)—Three men were killed today when an airplane bearing the number A-568524 fell near here. The identity of the aviators was not known.

STEINER NOW CANDIDATE FOR STANFIELD'S JOB

Frederic Steiner, Pendleton attorney whose name was injected into the United States senatorial controversy by Judge Lawrence T. Harris when he declared to be a candidate, has accepted the opportunity thrust toward him and announced that he has definitely made up his mind to be a candidate for the republican nomination in opposition to Robert N. Stanfield, incumbent.

Steiner was born in Marion county 42 years ago. He came to Pendleton in 1909 from Portland, after completing his law studies, and has practiced law since. He served as deputy district attorney and in 1912 was elected district attorney.

MURRAY TO TAKE APPEAL STATES KING

In Opening Statement In Kelley-Willos Trial Attorney Intimates Carrying Case Higher Court.

The first intimation of the grounds upon which he will appeal the conviction of Tom Murray, convicted and sentenced to hang for the murder of Guard John Sweeney during the prison break of August 12, was given by Will R. King, counsel for the defense, in his opening statement to the jury in the trial of James Willos and Ellsworth Kelley, companions of Murray in the prison break.

As in the Murray trial King declared that Kelley and Willos acted in self-defense in seeking to escape from persecution in the prison that threatened their lives, in the Murray trial the court ruled out the plea of self-defense on the ground that there was no showing in the evidence to justify it, and that inasmuch as an attempt to escape from prison is a statutory crime in Oregon a defense based upon such a plea was not admissible.

The defense contended that Holman was killed by Bert "Oregon" Jones either accidentally or by design, that when Jones jumped over the wall to a spot near where Holman was sitting, wounded Jones did not see the shotgun that Jones carried swung around and was discharged striking Holman in the head.

The defense stated that it expected to prove that Willos and Kelley were suffering from a form of insanity brought on by their alleged persecution.

Judge King contended that Kelley at no time during the break had any arms and that he fired only in a haphazard manner at nothing in particular in the excitement of the break.

Throughout the trial Judge King has contended that the legislature in making prison escapes felonies did not contemplate that it should be construed to deprive anyone, even a convict confined in prison, of his constitutional right to defend his own life. Judge King contends that such a statute is unconstitutional, although admitting a lack of judicial precedent to support his contention.

By reason of confinement in the "bull pen" of the prison and the constant menace of being confined there without cause or justification, and because of the presence of a guard over the bull pen, King contends that such a statute is unconstitutional, although admitting a lack of judicial precedent to support his contention.

Judge King's ground for appeal, thus indicated, is that the court erred in depriving Murray of his constitutional right of self-defense. Lyle J. Page, deputy prosecutor, in opening the case for the state this afternoon asked that the death penalty be imposed on Willos and Kelley under the statute making a capital offense of participation in a criminal conspiracy resulting in murder, Kelley and Willos, Page declared, are equally as guilty of the murder of Guard Sweeney as was Murray, although neither of them actually fired the shot which resulted in his death.

The claim that the conspiracy to escape did not contemplate any killing, that Willos and Kelley joined in it in the belief that there was nothing to indicate that either of the defendants took any part in the shooting was also advanced by Judge King.

After the regular and two special venues of jurymen had been exhausted attorneys in the case at last completed the jury panel at 3:30 o'clock Saturday afternoon.

PRISON KILLER TO HANG ON DECEMBER 18

Murray Sentenced After Plea For Leniency On Account of Youth And Record; Wins at Last.

Tom Murray, convict convicted of the murder of Guard John Sweeney in the prison break of August 12, was this morning sentenced by Judge Percy R. Kelly to hang for the crime on Friday, December 18.

The sentence was imposed after Murray had made a statement to the court, pleading for mercy on his record and his youth. Asked by the court if he had anything to say relative to why he should not be sentenced to pay the extreme penalty, the convict replied: "Yes, I might say something, and in a clear tone of voice continued:

"Murray Makes Speech "The prosecution in this case has tried its best to dig up my criminal record, but the best they have been able to do is to show two crimes, a burglary in California committed when I was only 18 years and didn't know any better, and the Florence bank robbery.

"After being released from Queen-San Quentin—I went straight for two years before we struck the Florence bank.

"They have said that I was a killer. In the Florence job, we could have killed but we didn't. During the time I have been in the penitentiary I have been shot at five times without any warning. They would shoot first and talk afterward.

"In the break we could have killed several we didn't even shoot at. I had John Davidson in my power, and if there was any man at the pen I would have reason to kill it would have been him but I didn't.

"We could have killed Guard Gardiner as he ran ahead of us toward the state hospital to give the alarm, and we could have done the same thing at Monitor and at the Newman's. I could have taken the clothes of the Monitor boys, but I only took a coat and kept my prison pants.

"There are several we could have killed and kept from giving information about us. But we didn't.

"There was a lurch over the crowded courtroom as Murray spoke. As he finished and stood half facing the court Judge Kelly said:

"Judge Passes Sentence "The law gives the court no discretion. You see to be delivered to the warden of the Oregon state penitentiary within 20 days and on the 18th day of December you are to hang by the neck until you are dead. And may God have mercy on your soul."

Murray flinched for the first time during the course of his trial when sentence was pronounced, but he sat down quietly beside Will R. King, his attorney. For 10 minutes prior to the convening of court Murray sat in the courtroom, and maintained the same attitude of composure he has shown throughout while conferring with King relative to the statement he was to make.

S. O. S. SOUNDED BY ITALIAN SHIP

New York, Oct. 12.—(A. P.)—The United States lines today received from the steamship President Harding, in mid-ocean, a wireless reporting that it was responding to an "S. O. S." from the steamship Ignacio Florio.