

RESERVOIR SITE NOT TO BE ACQUIRED

Work, However, on West Umatilla Project Will Go On Without Cessation.

\$138,000 TO BE SPENT

Site Near Irrigation May Be Considered—Price of Rejected Location Regarded as Too High for Settlers to Pay.

OREGONIAN NEWS BUREAU, Washington, Oct. 21.—After several years of fruitless negotiation with private owners of land in the proposed Umatilla Meadows reservoir site, which was to have been acquired by the government as part of the West Umatilla irrigation project, the Reclamation Service, with the concurrence of Secretary Lane, has abandoned plans for the acquisition and construction of that reservoir and has so notified all land owners.

Abandonment of this reservoir, it is explained by the Reclamation Service, is due entirely to the fact that owners hold their land at what is considered an exorbitant price, which the government cannot afford to pay. For a time it was thought advisable to acquire this site by condemnation, but Director Newell and Engineer Hopsen recommended against condemnation and on their recommendation the government decided to abandon this reservoir altogether.

Irrigation Site Recommended. Messrs. Newell and Hopsen, however, have reported that the government can acquire another reservoir site near Irrigon, quite as satisfactory as that which has been abandoned, if the government decides to go ahead with the main portion of the West Umatilla project.

Members of the Reclamation Commission assert that abandonment of the Umatilla meadows reservoir site does not mean abandonment of the West Umatilla project. On the contrary, they assert that work is under way at this time on the first or gravity portion of the West Side extension and that they have recommended the allotment of \$138,000 to be spent the first six months of next year in building the laterals and distribution system of this unit. The commission also has recommended that Congress in making the appropriation for the year beginning July 1 next, as authorized in the new law, appropriate \$275,000 additional to be expended largely on the main canal of the first West Side unit.

Work for 18 Months in View. These sums, it is pointed out, will keep work under way at a fair rate of progress for the next 18 months. Up to the present time the Secretary of the Interior has never formally approved the main part of the West Umatilla project, and difficulties encountered by the settlers themselves in bringing the lands under cultivation, the department under it wise to proceed cautiously with the storage or main section of the West Umatilla project and formal approval of that project probably will not be given until the first unit proves successful and there is reasonable assurance that 30,000 acres of the main project can be reclaimed at a cost which settlers can afford to pay.

The commission points out that if the government had acquired the Umatilla meadows reservoir at the prices asked by land owners, the per acre cost of West Umatilla project would have been greater than settlers could pay and it was primarily for this reason that reservoir was abandoned.

"It is true that the proposed reservoir for the West Umatilla irrigation project has been abandoned, but the project itself is being put forward without interruption," said Mr. Hopsen, supervising engineer of the United States Reclamation Service, with offices in Portland, yesterday.

The prospect of building a reservoir was given up several months ago because we felt that there was no need for it at this time and because the landowners would not sell at a price that there is any likelihood that the West Umatilla project will be given up. I went over the project a few days ago and I know that it is being advanced rapidly at a cost of several hundred thousand dollars."

LAWYERS SEE HOPOHOLE

OTHERS EXPRESS OPINION THAT ANTI-NOOSE ACT ERRS.

Attorney M. L. Pipes and Conferees Declare Murderers Will Be Set Free if Measure Passes.

Additional Portland attorneys expressed the opinion Tuesday that John A. Pender and Lloyd H. Wilkins, convicted of murder in the first degree, probably would go free in case the proposed constitution amendment to abolish the death penalty is passed at the coming general election. In this they agree with Dan J. Maloney, Attorney General, and Attorney Evans, who were quoted in The Oregonian yesterday.

The proposed amendment reads as follows:

Article 7. The death penalty shall not be inflicted upon any person under the laws of Oregon. The homicide which may be inflicted shall be life imprisonment. All provisions of the constitution and laws of Oregon in conflict with this section hereby are repealed and repealed in so far as they conflict herewith, and this section is self-executing.

"Opinion is almost unanimous that a law must exist from the time a crime is committed until sentence is actually carried out," said M. L. Pipes, in commenting on the proposed law, "but it is certain that the law under which Pender and Wilkins were convicted would be repealed in case the amendment passes at the election."

"A law that is repealed without a saving clause exempting pending cases is the same as a pardon, for if there is no law covering the crime a convicted man cannot be sentenced. How could he be when there is no law?"

"At present the law is that a man convicted of first-degree murder shall receive the death penalty. If the amendment passes, this law will be repealed, and no law is provided to take its place in giving punishment for the offense."

"It might be considered a debatable question whether the cases at point

are now in final status, but I do not believe they are. The courts might hold also that the clause, 'the maximum punishment which may be inflicted shall be life imprisonment,' coupled with the closing phrase, 'and this section is self-executing,' provides that life imprisonment shall be inflicted for all first-degree murders. Personally, I cannot see that the amendment provides any punishment. I think it leaves at function to the Legislature within the limit of life imprisonment."

All probability the men now under sentence would go free in case the death penalty is abolished," said Jay Bowerman in an off-hand opinion yesterday. "The reasoning given by the attorneys in The Oregonian this morning appear to be correct, and I think the law would be construed in that light."

After being convicted in Multnomah and Columbia Counties, respectively, L. H. Wilkins and J. A. Pender appeared in the Supreme Court, where the convictions were affirmed. It is now in order for the cases to be returned to the respective courts where the cases originated, that the dates of execution may be re-set.

Governor West announced twice before the two men. In the Portland papers of September 15 the Governor was quoted to the effect that he would relieve Pender and Wilkins until such time as the Legislature was in session, so that in case the death penalty is not abolished those interested in substituting electrocution could have first-hand knowledge regarding hanging.

NEW CONFESSION MADE

MURDER SUSPECT ACCUSES SON OF WEALTHY WIDOW.

Prisoner Previously Declares He Committed Crime Himself to Obtain Money for Wedding.

LOS ANGELES, Oct. 21.—Percy Tugwell, who confessed here Tuesday that he murdered Mrs. P. A. B. Kennedy, a wealthy widow, on the night of September 1, made another confession tonight in which he asserted that Mrs. Kennedy's son, Philip, committed the murder.

Tugwell, arrested in San Francisco Saturday as a suspect, made the charge in the last of a series of oral confessions. His first story caused the detention of young Kennedy, Kennedy's wife and Herbert De Normandy, a painter.

Early today he confessed that he alone killed the woman to obtain money for a wedding which took place soon after the murder. Later he repudiated this statement. Finally tonight he told the police and the District Attorney's investigators that Kennedy killed his mother and that his previous statement was made to shield the son.

As final proof of the son's guilt Tugwell promised to produce a letter from Kennedy. This has not yet been found. Mrs. Kennedy, the mother of the man who was killed late at night, supposedly near her home here. The body was found the following morning when a search was made for her by her son, who, with his wife, made his home with her. Mrs. Kennedy was killed by a bullet which entered her chest and which was found in her hand. Her jewelry was missing. A diamond ring, missing from her finger, was traced through Tugwell, who said it here for \$45 the day after the murder.

Young Kennedy vigorously denies any complicity in the crime. He says that Tugwell is seeking to clear himself.

No formal complaint has been issued against Tugwell, but he is being kept voluntarily submitting to their detention.

BEER TAX PROVES BAR

HOUSE CONFEREES AGAINST 25 CENTS ADDED BY SENATE.

Five Cents a Gallon on Rectified Spirits Also Opposed and Gasoline Tax Insisted On.

WASHINGTON, Oct. 21.—At a conference on the "wet" bill tonight the disagreement between the two houses simmered down to two important particulars. The House conferees steadily insisted that the Senate amendment which added 25 cents a barrel to the additional tax of 50 cents which the House bill originally levied on beer.

Several hours of conferences failed to bring about an agreement on any of these points and the conference committee recessed until tomorrow. Senator Simmons said if these three points were settled he expected little trouble in bringing the remainder of the bill into agreement.

PORTUGAL SHOWS ACTIVITY

Troops and Machine Guns Rushed to Republic's Possessions.

LONDON, Oct. 21.—On September 12 Portuguese troops left for Angola and Mozambique, Portuguese possessions in West and East Africa, respectively, according to a dispatch received here tonight from Berlin by the Marconi Wireless Telegraph Company.

"Each of these forces consisted of one battalion of infantry, one battery of machine guns and an ambulance staff. Each force aggregated approximately 1800 men, two native companies, each of 240 men, have left Mozambique for Angola," says the dispatch.

Great Britain's appeal to Portugal for help reveals the chaotic situation which exists in South Africa. The revolts in India are increasing confidence in Germany. According to constant reports, this place "accidentally" take fire from spontaneous combustion, or something of the sort."

FIRES LAID TO INSURANCE

Policeman Reports Lax Policy System in Lents Prompts Blazes.

That several fires in Lents are due to "the exorbitant, inflated fire insurance policies, dished out promiscuously by unscrupulous insurance agents," the accusation made by Patrolman Frank H. Nolan in a report made to Police Captain Circle Tuesday night.

"I can show to anyone who desires to investigate that these damnable policies are issued with utter disregard for real values," the report says. "I can point out a place where the furniture is actually believed to be insured for \$50 but carries insurance of \$500. I would not be surprised to see this place 'accidentally' take fire from spontaneous combustion, or something of the sort."

The London policeman arrests on an average, seven persons a year; the Parisian policeman arrests 25.

MEXICAN PEACE DOUBTED

CARRANZA'S REPUDIATION OF CONVENTION SHAKES CONFIDENCE.

Contending Forces at Naco Prepare for Hostilities While Waiting for Peace Delegates.

WASHINGTON, Oct. 21.—That General Carranza's repudiation of the claim of the convention at Aguas Calientes to the peace now, is a decided shake in confidence in official circles that peace was near in the republic this light.

General Carranza's message to the convention asking by what authority it had proclaimed itself sovereign and declaring he would deliver the executive power only to the man elected by the people has also dampened the hope that the contest for control of Mexico's political affairs between Carranza and Villa was about to be finally adjusted.

Officials doubted reports that General Villa had moved a large force to the vicinity of Aguas Calientes to coerce the delegates.

SAN FRANCISCO, Oct. 21.—There is no doubt whatever that General Villa has a good-sized army encamped within easy distance of Aguas Calientes, according to travelers arriving here, who say they saw the troops.

One man of long residence in Mexico said Villa had found several thousand pro-Carranza men in or near the city and gave them 12 hours to get 40 miles away.

"If you need it I'll make it 18 hours," he is said to have told them. "The presence of your armed force is not proper in this peaceable gathering."

NACO, Ariz., Oct. 21.—While awaiting the arrival of the Peace Commission from Aguas Calientes to settle the differences between Governor Jose Maytorena and General Benjamin Hill, both these leaders are preparing to resume hostilities.

Maytorena evidently is planning the demolition of Naco, Sonora, as he now has five field pieces planted on three sides of the town. The city's present position will endanger the American town more than before.

General Hill has four guns en route.

MONTREY, Mexico, Oct. 21.—As a reprisal for reported action of General Villa, it is said the Carranza authorities have taken E. C. Lorenzo, Colonel Carlos Dominguez, Manuel Bonilla and Andres Guzman from their train and are holding them here.

JEALOUSY IS CHARGED

WOMAN MRS. CARMAN SLAPPED IN WITNESS IN MURDER TRIAL.

Prosecution of Alleged Slayer of Husband's Caller Expected to Close Its Case Today.

MINNOLA, N. Y., Oct. 21.—The prosecution's case against Mrs. Florence Carmichael on trial in the Supreme Court here for the murder of her husband, Louise Bailey, will be completed tomorrow.

District Attorney Smith made this announcement at the close of a day spent in drawing from a score of witnesses a chain of preliminary circumstances evidence by which the hopes to establish the alleged motive—jealousy. One was Mrs. Elizabeth Varance, a trained nurse, whose face Mrs. Carmichael slapped when she saw her give her money and allow her to kiss him, it was testified. Another was Gaston Boissanault, ex-chief of the Canadian secret service, and now a resident of the company that sold the wife of the physician a "mechanical eavesdropper" so she might hear what went on in her husband's private office when women patients were there.

A new fact was developed which the prosecution seemed to consider significant. Physicians who performed the autopsy on the victim of the tragedy in the doctor's office testified that she would have become a mother had she lived.

The state's two star witnesses will testify tomorrow. One is Celia Coleman, the negro maid, and the other is Frank Farrell, an unemployed engineer. Celia Coleman's story as told to the grand jury was materially different from the one she told at the inquest, when her memory was faulty. The story she is expected to tell tomorrow is the one she related to the grand jury. Farrell's story is the one he told when he was at the back door of the Carmichael house at the time of the shooting. He is quoted as saying Mrs. Carmichael ran into the house from the slaved directly after he heard the crash of breaking glass and the report of a revolver shot.

Mrs. Carmichael today showed the effect of the strain she is under, but during the afternoon session she repeatedly suggested points to her counsel.

WOUNDED FLOOD AUSTRIA

BUDAPEST FUNDS DIFFICULTY IN OBTAINING DOCTORS.

Students Permitted to Count Time Spent Attending Soldiers as Part of Medical Course.

BUDAPEST, via Paris, Oct. 21.—Budapest is flooded with wounded soldiers, who continue to arrive daily by trainloads. The new military hospital just opened has 3800 beds and another barracks hospital has been started which will accommodate 4000 sick or wounded.

Great difficulty is being experienced in finding doctors to attend the great mass of men who are being brought into the city and the ministry of education has agreed that medical students in their fourth and fifth years entering the military hospitals may count the time as a portion of their hospital year. The junior doctors in the hospitals receive about 83 cents a day, the assistant doctors 124 cents and the nurses 26 cents a day. In addition all receive their board and lodging.

Reports from Trieste say that wounded soldiers are arriving there and at other towns in the south of Austria in great numbers. In many cases convalescent soldiers are being dismissed from the hospitals and permitted to return to their homes. Large numbers of them, it is said, are without means and almost starving and are compelled to appeal to relief organizations. The Austrian War Office has ordered that convalescents at home receive 34 cents a day in addition to their ordinary pay.

The American Red Cross mission, which recently arrived in Budapest with 20 tons of bandages and dressings and great quantities of medicines and surgical supplies, all of which were urgently needed and highly appreciated by the Hungarian government, has been in charge of an improvised hospital in the Westend Institute for the Blind. The hospital contains 108 beds.

33 Men Taken in Raid.

Thirty-three men were arrested last

KEEP BOWELS REGULAR WITH CASCARETS

No More Headache, Bad Colds, Sour Stomach and Constipation.

Get a 10-cent box now. No odds how bad your liver, stomach or bowels; how much your head aches, how miserable and uncomfortable you are from constipation, indigestion, biliousness and sluggish bowels—you always get the desired results with Cascarets.

Don't let your stomach, liver and bowels make you miserable. Take Cascarets in the hope of all the ills, aches, biliousness, dizziness, nervousness, sick, sour, gassy stomach, backache and all other distress; cleanse your inside organs of all the ills, aches and constipated matter which is producing the misery.

A 10-cent box means health, happiness and a clear head for months. No more days of gloom and distress if you will take a Cascaret now and then. All druggists sell Cascarets. Do not forget the children—their little insides need a gentle cleansing, too.—Adv.

night at 27½ Burnside street in a raid on an alleged gambling resort. Christ Kostas, the owner, and Nick Demas, operator of the alleged games, were charged with running the resort. Tony Pappas and T. G. Skouras were charged with gambling.

FESTIVAL DATE FIXED

ROSE CELEBRATION TO BE HELD JUNE 9, 10 AND 11.

Directors Decide to Divide City into 50 Divisions for Competitive Parking and Home Displays.

The 1915 Rose Festival will be held Wednesday, Thursday and Friday, June 9, 10 and 11. Such was the decision reached last night at the Commercial Club by the board of directors of the Festival Association. The directors present—Vice-President Carroll, O. M. Plummer, Dean Vincent, J. Fred Larson, P. W. Hill, Charles Berg, S. C. Pier and others—estimated that the roses of Portland would be in their prime at that period.

With the aim of making Portland a bower of roses the association officials have decided to divide the city in about 50 divisions and award prizes for the best parking and home displays. They hope to see every parking in the city improved with roses, and with that idea in view have decided to present every school child in Portland with a rose slip to be set out at home.

In the near future Director Larson, chairman of the publicity committee, will invite slogan suggestions. Chairman Pier, of the music committee, is being flooded with applications from band managers for entrance in the band contest. The committee also will conduct a competition for the selection of official festival songs.

All who love roses are urged to send them to the Portland Commercial Club Friday, when 15 traveling passenger agents of the Canadian Pacific Railroad will be entertained on their way to Montreal from San Francisco.

CREW BLOWN UP IN SLEEP

Six Ammunition Explosions Rend Japanese Warship Attacked.

SAEBO, Japan, Oct. 21.—Survivors of the disaster of the Japanese cruiser Takachiho in Kiao-Chau Bay who have reached Sasebo are reporting a terrible ammunition explosion on board the cruiser.

A majority of the crew, who were asleep, were either killed or maimed in their hammocks. Thirty-two men, who were on deck, were hurled into the sea and perished.

TWO HOLD UP CHURCHGOER

Armed Men Rob Pedestrian of \$5.50 at Nineteenth and Hoyt.

"Come across!" was the command given John Nelson at the corner of Nineteenth and Hoyt streets Tuesday night as two highwaymen shoved forward in his face, and he was told to get into the White Hall, at Sixth and Madison streets, was on his way to attend a young people's meeting at the Emanuel Lutheran Church at Nineteenth and Irving streets. The robbers had been lurking in the shadows of the alleyway.

Mr. Nelson was robbed of \$5.50. He had left a valuable watch at home and the robbers passed up his stickpin. Nelson reported the robbery to Rev. Nelson reported the robbery to Rev.

FALLING HAIR AND DANDRUFF

For Four Years, Dandruff Could Be Seen Plainly. Head Burned and So Itchy Could Hardly Stand It. Used Cuticura Soap and Ointment. Trouble Disappeared.

455 12th St., Detroit, Mich.—"I was troubled with falling hair and dandruff for about four years. The dandruff was very thick and itchy. I tried everything but nothing did me any good. I was full of it. It could be seen plainly at times and whenever I would comb my hair it would come out pretty bad and my coat would be covered with it. Whenever I would scratch my head it would get red and leave little pimples. Then my head would burn and be so itchy that I could hardly stand it. I tried almost everything but nothing did me any good. I was full of it. It could be seen plainly at times and whenever I would comb my hair it would come out pretty bad and my coat would be covered with it. Whenever I would scratch my head it would get red and leave little pimples. Then my head would burn and be so itchy that I could hardly stand it. I tried almost everything but nothing did me any good. I was full of it. 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