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PORTLAND, OREGON, THURSDAY, JULY 28, 1921

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## KLECKER TARGET OF AGEE DEFENSE

### Blood-Smeared Coat Is Produced in Court.

### OWNERSHIP IS DENIED

### Music Teacher Confronted With Knife and Garment From Death Scene.

### WITNESS' NERVE UNSHAKEN

### Man Who Told of Improper Relations With Murder De- fendant Now Under Fire.

A blood-smeared hunting knife, a black overcoat with blood-stained sleeves and a fragment of sheet music purported to have been found with the weapon in the pockets of the coat not many blocks from the scene of the murder of Harry Agee on the early morning of June 11 placed the star witness for the prosecution on the defensive when produced last night at the trial of Mrs. Louise Agee for the alleged murder of her husband.

Judge Morrow's courtroom was thrown into confusion for an instant when John A. Collier, attorney for the woman, produced the articles, existence of which had not been suspected by the prosecution, and demanded that Joseph H. Klecker, witness for the state, explain their relation to the foul crime.

Ownership is Denied.

Unshaken by the piercing gaze of Collier and apparently unmoved by the sight of these gruesome objects, Klecker denied that he had ever seen the knife or coat before, though admitting that the music probably had belonged to him at one time.

An excitement approaching panic swept the district attorney's representatives when Collier cut short his cross-examination with "That's all."

"Here, try on this overcoat," exclaimed Samuel H. Pierce, deputy district attorney, rushing to the witness stand with the garment in his hands, followed by Joseph L. Hammersly, chief deputy.

Klecker got down from the stand and slipped his arms into the coat held by Pierce. The fit was snug, but the sleeves were the right length for him and the garment appeared none too short. He was told to stand before the jury and turn around. He did so, as the jurors appraised the fit. Then he returned to the stand and the prosecution sought to undo some of the damage created by the bombshell hurled by the camp of the defense.

Collier had led up to the climax by a striking series of questions, of which the final one was: "Will you deny that it was your knowledge of the existence of this thing that was the motive behind your willingness voluntarily to besmirch the character of the woman accused of this crime?"

Klecker answered with a weak negative, clearly heard all over the courtroom, for the profound silence into which spectators and jurors had fallen was such that it appeared as though all were holding their breath.

The scene was the culmination of a day of sensations and was enacted but a few minutes before adjournment of the night session of court at 10:30 P. M.

Coat Kept in Bag.

From a traveling bag at his feet Collier suddenly produced the overcoat, on the sleeves of which blood had caked.

"Did you ever see that coat before?" he demanded, holding it in front of the witness. His tones were cold as his glance was piercing, and held in them a threat.

Klecker lowered his eyes to the garment. His expression did not change. There was neither surprise nor fear in his eyes. Efforts of the attorney to goad him to anger had failed before. He showed no excitement now.

"No, sir," he replied in a low tone, heard distinctly by the straining ears.

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## DROWNING MAN SAVED BY IDAHO'S GOVERNOR

### LOG SHOVED INTO LAKE SO VICTIM CAN GRASP IT.

### Executive Strips to Undergarments In Order to Reach Deputy Game Warden About to Drown.

BOISE, Idaho, July 27.—How Governor Davis of Idaho stripped to his undergarments and J. N. Apgar, deputy game warden of Stanley basin, saved Otto M. Jones, Idaho state game warden, from drowning in Red Fish lake, is graphically described in a story to the Statesman today from Stanley, a mountain village, 200 miles from Boise.

The near-tragedy occurred Saturday, July 23, after the governor and his two sons had driven to the game warden's camp to inspect fish planting operations at the lake. Shortly after the arrival of the governor at the camp a truck load of fish arrived to be planted in waters tributary to the lake. Governor Davis and his sons started with Jones and Apgar in a small motorboat to take the fish to the head of the lake. After the party had traveled about two miles toward an inlet a storm swept the water. Considering the boat unsafe with the load it was carrying, the party put to shore. The governor and his sons remained there while the game warden and his deputy swung out into the lake again. Before the motor could begin functioning sufficiently to head into the waves the boat was swamped about 50 yards from shore.

As the boat settled Jones took to the water, starting to swim ashore while his deputy clung to the upturned craft. Jones, who is only a fair swimmer, found it impossible to make much headway, as his heavy boots dragged him down. He returned to the boat with the assistance of his sons, but the boat filled with water and would not hold them both. Apgar, a strong swimmer, started for shore. The boat continued to settle, leaving Jones' head barely above water. A huge swell from the lake carried him off just as the second time Apgar exhausted and the governor wrenched a drifted tree near shore and started it toward the drowning man, shouting for him to seize it. It lacked ten feet of reaching Jones, who had gone down the second time. Apgar, warning cry, "Boys, I'm all in," and waving goodbye. The governor shouting "For God's sake, stay up," threw his weight against the submerged log and was enabled to feel Jones tug at it some distance under the surface. Fearful lest he should be too weak to hold on Governor Davis and Apgar proceeded slowly toward shore, giving encouragement to Jones as each paddled with one hand and towed the log with the other.

## CHILD STRUCK BY AUTO

### Lad's Skull Fractured and Internal Injuries Sustained.

While his parents were admiring the beauty of Horsetail falls on the Columbia river highway yesterday afternoon, little 7-year-old Norton M. Winchell, son of Dr. and Mrs. George P. Winchell, 1117 Eleventh street, Eugene, climbed out of the car in which he had been left alone and ran out on the highway, where he was struck by a car driven by J. O. Statz, 215 East Twelfth street, Portland.

He was removed to the Good Samaritan hospital, where it was found that his skull had been fractured and that he had suffered internal injuries. He was in a critical condition last night.

Dr. and Mrs. Winchell were on the way to the falls in Eugene, following an automobile trip to Chicago.

## RICH MAN KILLS HIMSELF

### H. H. Duryea, Whose Father Was Slain by Son, Suicide.

NEW YORK, July 27.—Harry H. Duryea, 41, who inherited fortune from his father, the late Hiram Duryea, president and founder of the National Starch company, today shot himself to death in his Madison avenue office. He was a director of the American Woodworking Machinery company.

Mr. Duryea's attorney declared his business affairs were in good order and that he had no worries so far as his friends knew. He is believed to have left an estate valued at \$500,000 to \$600,000.

Hiram Duryea was shot and killed May 5, 1914, at the age of 81, by his son, Chester B. Duryea, who later was declared insane.

## RAILROAD BUILDER DEAD

### Man Who Helped to Connect East and West Passes.

OAKLAND, Cal., July 27.—J. H. Strowbridge, railroad and empire builder, the man who drove the last spike inaugurating a transcontinental railroad and linking the east with the west in 1869, died at his home in Hayward, near here, today. Strowbridge was 99 years of age. He is survived by his widow, two sons and two daughters.

Coming here from New York when he was a little more than 16 years old, Strowbridge probably built more miles of railroad than any other man on the Pacific coast. He was construction engineer for the Southern and Central Pacific railroads.

## J. H. ALBERS, RICH MILLER, IS DEAD

### War-Time Offender Suc- cumbs at Milwaukie.

### NEW TRIAL TO BE DROPPED

### Offer of Pardon Following Appeal Is Revealed.

### AFFLICTIONS ARE MANY

### Blindness, Paralysis, Mental De- rangement and Expulsion From Lodge Brings About Death.

John Henry Albers, over whose head hung a sentence of three years in prison and \$10,000 fine for violation of the espionage act, died at his home in Milwaukie yesterday morning at 10 o'clock. Within the last three weeks he was paralyzed, became sightless, suffered cerebral hemorrhage and became mentally deranged. These physical and mental afflictions followed hard upon the heels of his expulsion from the lodge of the United States attorney.

The "further proceedings" against Albers, directed by officials at Washington a week ago, will be formally and officially dismissed by Lester W. Humphreys, United States attorney, to clear the record.

Complete Pardon Offered.

For the first time it was revealed yesterday that a complete pardon was offered Albers a few months ago. The tender was made to Charles H. Carey, who was representing Albers in an appeal of his case to the United States supreme court.

Owing to the business prominence of Albers, no other war-time case in the Pacific northwest attracted such widespread attention. At the time of his indictment for utterances which ultimately caused his conviction, Albers was president of the Albers Bros. Milling company, which has mills in Portland, Seattle, Bellingham, San Francisco, Oakland, Los Angeles and Ogden. This coast-wide institution had been built up by Henry Albers and his brothers from a small feed and grain store which they started in 1895 after Albers had worked as a dishwasher, baker and janitor.

## Albers Born in Germany.

It was in the little town of Lingen, Hanover, Germany, that Albers was born, April 13, 1866. Having learned the business of miller, he came to the United States, following his brothers. With 1000 marks as the foundation of his fortune, Henry Albers became assistant cook in a boarding school in Portland. This was in 1891. Four years later Albers Brothers & Snider had started a small establishment at Front and Main streets. Later the name was changed to the United States Mills. The business grew; Henry Albers became a naturalized citizen. Albers

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## 1925 EXPOSITION HERE APPROVED BY HOUSE

### PRESIDENT IS AUTHORIZED TO INVITE FOREIGN NATIONS.

### News of Action Causes Enthusiasm Among Backers of Fair and Business Men of City.

THE OREGONIAN NEWS BUREAU, Washington, D. C., July 27.—(Special.)—By a vote of 192 to 43 the house this afternoon passed the McNary resolution authorizing the president to invite foreign nations to participate in a world exposition at Portland, Or., in 1925. Representative Rodgers of Massachusetts, member of the house foreign affairs committee, had charge of the resolution, while the opposition was led by Representative Gurnett of Tennessee, democratic floor leader.

Representatives McArthur and Sinnott of Oregon, Arentz of Nevada, Chindom of Illinois and Cooper of Wisconsin, all republicans, appealed for support of the measure. Representative Blanton, democrat, of Texas, opposed it.

Representative Almon, democrat, of Alabama, who makes frequent vacation trips to the northwest, spoke for it. The resolution having passed the senate, it is expected to become a law in a few days, whereupon the post-office department will issue special exposition stamps to be used on all mail outgoing from Oregon.

News received here yesterday that Senator McNary's joint resolution had passed the house by a large affirmative vote aroused much enthusiasm at the chamber of commerce, among the fair committees, and business men generally, who learned of the favorable action taken. It was announced that this left the motors to go ahead and tell the world about the 1925 plans. It was said that before this action was taken the promoters did not feel free to outline the scope of the undertaking, but now it will be all right to go ahead and obtain the participation of foreign countries. It is felt that exhibits from abroad will be a great drawing feature.

"I feel particularly gratified," said Julius Meier, chairman of the fair committee, "on account of the way our resolution was handled in Washington. First of all, we asked Senator McNary to present it before the foreign relations committee. Without any appreciable delay, Senator McNary got a hearing, presented his facts, laid Oregon's cards on the table and obtained a favorable report. Immediately thereafter the resolution was read in the senate and passed unanimously. Then it was referred to the house under the care of Representative McArthur."

"The foreign affairs committee of the house called for a hearing, and such facts were presented that this committee finally endorsed it. Today the house took its vote and passed the measure by a vote of 192 to 43. Not a bad record for Oregon."

"We have assurance already from President Harding that he will sign the resolution when it reaches him. This then will give Oregon the right to invite foreign participation in the exposition and clear the right of way for immediate development of our plans."

"Oregon is particularly fortunate at this time," continued Mr. Meier, "to have the privilege of staging a world event in the face of a reconstruction period that will draw the attention of the world to its activities."

"It can see nothing but success after Albers."

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## ADMINISTRATION PLAN FOR CREDITS CARRIES

### SENATE BIPARTISAN COMBINE CRUSHES NORRIS BILL.

### Sponsor Protests Action, Charging Hoover-Meyer Farmers' Aid Measure Is Political Job.

WASHINGTON, D. C., July 27.—A bi-partisan movement in the senate today got behind the administration plan for agricultural credits as a substitute for the Norris bill, caused a split in the unofficial agricultural "bloc" of senators and roused a vigorous protest from Senator Norris, republican, Nebraska, in charge of the measure bearing his name.

Charges of "political machine tactics" against his bill were made by Senator Norris, whose verbal blast included the administration plan, the White House, Vice-President Coolidge, the cabinet and other government officials and senators.

The attack, which followed an agreement today between republicans and democrats to support the administration plan to have the war finance corporation placed in charge of agricultural credits, was directed at the substitute bill of Senator Kellogg, republican, Minnesota.

The measure was drafted by Secretary Hoover and Director Meyer of the war finance corporation and was introduced yesterday before a message from President Harding suggesting such a measure was read. Characterizing the Kellogg bill as "an illegitimate child," Secretary Hoover and Director Meyer as its "wet nurses" and Senator Kellogg as its "father," Senator Norris said that the effort to defeat his bill was the topic of many White House conferences. It was "no secret," he said, that the administration was opposed to the Norris bill.

Suggestions of collusion between Vice-President Coolidge and Senator Curtis of Kansas, republican whip, in connection with Senator Kellogg's introduction of the substitute were made by the senator. He said Senator Curtis, presiding over the senate while Mr. Coolidge was attending the Tuesday cabinet meeting, had given the floor to Senator Kellogg without the latter requesting recognition. The plan all were arranged, Senator Norris said, and soon after their consummation, he continued, Mr. Coolidge entered the senate.

The Kellogg bill, Senator Norris said, was drafted under "mysterious" circumstances. The Kellogg bill, he said, was changed by elimination of original provisions authorizing the war finance corporation to take over railroad debt fund.

"But the president forgot to change his message and left the railroads in," he continued, adding that the bill had to be changed "to bring some senators into line."

Senator Norris, referring to Senator Kellogg as "a horny-fluted son of the soil," declared that the Minnesota senator was selected to sponsor the measure because he came from an agricultural state. Secretary Mellon opposed the Norris bill, the senator said, and "could not help it because he always has seen through the same glasses, seeing banks, bankers, trusts and millions."

Support was given the Kellogg substitute, however, by Senator Blanton, democrat, North Carolina. Other support came from within the agricultural "bloc" and the agricultural committee. The committee of which Senator Norris is chairman to-day.

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## PHONE COMPANY ADMITS DEFECTS

### Corrections in Rural Service Promised.

### FARMERS AIR GRIEVANCES

### Rise Held Unbearable Due to Falling Prices.

### CORVALLIS EVILS CITED

### Improvement Following Expendi- ture of \$60,000 Is Questioned by Witness at Hearing.

SALEM, Or., July 27.—(Special.)—The eighth day of the telephone rate hearing, before the public service commission developed into an "adjustment day" and while no rates were adjusted, promises were made by attorneys for the telephone company immediately to correct a number of faults brought out at the hearing during the afternoon session by farmers living in the vicinity of Corvallis.

B. P. Cator, a farmer residing near Corvallis, who was called to the stand by E. M. Cousin, testified that he was a director in a farmers' line which connects with the lines of the Pacific company in Corvallis. Formerly 12 subscribers were on this line, he said, but at the present time there are but six or seven.

### Farmer Airs Troubles.

A portion of this particular line extends into the Philomath district, in which an independent telephone exchange is operated by G. L. Jones. The witness told the commission that the Bell company had entered into an agreement with Mr. Jones whereby a dividing line was drawn so that one company would not take business which existed within the borders of the other company's district.

When Mr. Cator attempted to fill up his line to the former maximum of 12 subscribers, he testified, the manager of the Pacific company's exchange told him to see Mr. Jones. Mr. Cator said he saw Mr. Jones and laid the situation before him, but was told to go to a place better than the Sahara desert. "I told Mr. Jones I would come before the commission and here I am."

### Fault Is Admitted.

"Attorney Shaw impressed the witness that he was impressed with the fairness of his story, and that he admitted that the company was responsible to some extent for a wrong which the company would correct."

"We will make an immediate investigation of this situation and will instruct our manager in Corvallis to arrange with Mr. Jones for a new agreement which will permit you to fill up your line to its former maximum. The company, as you know, is trying each day to improve its service and correct the defects and we cannot always be sure that the representatives of the company were in a mood to grant concessions. C. E. Ingles, the next witness, who lives near Corvallis, complained of a switchboard in his vicinity which he had been told was obsolete. In fact, an employee of the telephone company, he testified, had told him that so long as this switchboard remained poor service would be all that might be expected."

### Better Service Promised.

To this complaint Attorney Shaw stated that an approved estimate for \$6900 had been filed with the commission to cover the improvement of this board. He assured the witness that before long this defect would be corrected and better service would be insured.

L. D. Porter, C. A. Bearinger and several other farmers living near Corvallis were called to the stand by Mr. Cousin, the commission extending the afternoon session until after 6 o'clock in order to give these witnesses an opportunity to give their testimony.

Complaint was made of the service by each of these witnesses and all of them argued that the present increased farmers' rates were not justified. They held that they would not object to a reasonable increase, but insisted that an increase from \$4.80 a year to \$9 for switching charges was excessive. All of these subscribers must pay for the maintenance of their own lines which extend to the city limits of the exchange city.

### Rise Held Unjustified.

With the cost of farm produce reduced from 25 to 50 per cent in some instances and even more in others, there is no justification for telephone rates which farmers cannot bear, according to the opinion of W. K. Taylor, president of the Oregon telephone federation.

Mr. Taylor traced the history of the organization, which he heads, saying that it was organized in April or May. The first meeting of the federation he said, was held in Corvallis and was attended by citizens of that city and farmers from Lane, Linn, Benton, Lincoln and Polk counties. Later the organization was enlarged, including members from Clatsop, Douglas, Clackamas, Sherman and Multnomah counties.

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## CLACKAMAS DEPUTY JAILS STATE AGENT

### ROW BETWEEN COUNTY COURT AND SHERIFF UNCOVERED.

### Defendant's Fine for Carrying Gun Is Revoked When He Produces Evidence of Authority.

OREGON CITY, Or., July 27.—(Special.)—Had Shakespeare been in Clackamas county Tuesday, and stood beneath the statue of Justice that adorns the court house, the bard of Avon might well have murmured, "Oh man, clothed with a little brief authority."

Traffic Officer Long, holding his position by grace of the sheriff, arrested R. E. Waggy, holding the same position by grace of the county court, on charge of carrying concealed weapons. Judge Noble, upon evidence showing that Waggy had no authority to carry a gun, fined him \$10. Then it developed that Waggy was in possession of a commission as special state agent. The commission was in the office of County Judge Cross. So Judge Noble had to reverse his own decision, as Waggy, with the state commission, had authority to carry the weapon.

Effective July 1, the county court appointed Waggy traffic officer. The sheriff refused to remove Long. The court then obtained the state commission from the governor.

The question is, who will get the pay check at the end of the month? The court order named Waggy, but Long has not been removed officially. Both are evidently on the job. The county judge referred inquirers to the official records.

The trouble started when the court decided to make a change in the sheriff's personnel. Sheriff Wilson refused to remove Long, whom he had appointed, without charges being officially filed against him. He also refused to appoint the man named by the court.

Legally the question resolves itself into whether the county court or the sheriff has the authority to decide the details of the sheriff's office. The matter probably will not be settled definitely without a decision from a higher court.

## NO SMOKE BAN WANTED

### Women Not in Favor of Law to Prohibit Public Puffing.

WASHINGTON, D. C., July 27.—Out of a room full of women at a house committee hearing today only one indicated she favored a law to prohibit feminine smokers from puffing cigarettes in public.

A bill by Representative Johnson, democrat, Mississippi, would provide a fine of \$5 for women who smoke in public places in the District of Columbia, a \$100 fine if they repeated the offense and a similar schedule for proprietors of hotels, restaurants and public vehicles who fail to enforce the ban. One male spectator saw need for the law, while 19 opposed it.

## MERE LOOK COSTS \$2

### Toronto Landlords Charge Tenants Just to See Apartments.

TORONTO, Ont., July 27.—Some landlords here are asking prospective tenants \$2 for the privilege of looking at all up your line to its former maximum. The company, as you know, is trying each day to improve its service and correct the defects and we cannot always be sure that the representatives of the company were in a mood to grant concessions. C. E. Ingles, the next witness, who lives near Corvallis, complained of a switchboard in his vicinity which he had been told was obsolete. In fact, an employee of the telephone company, he testified, had told him that so long as this switchboard remained poor service would be all that might be expected."

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## JAPAN TO ATTEND ARMS DISCUSSION

### No Conditions Are Made in Definite Reply.

### SOME LIMITS ARE PROPOSED

### Only Questions of General In- terest Are Suggested.

### FAR EAST IS NOT BARRED

### Matters Relating to Armaments to Be Taken Up Whether They In- volve Orient or Not.

WASHINGTON, D. C., July 27.—(By the Associated Press.)—Japan's definite acceptance of a place in the disarmament conference, which reached the state department today, gives consent to a discussion of far-eastern problems in connection with the conference, but suggests that problems which concern only particular powers or which can be regarded as closed incidents be omitted.

There was every evidence of satisfaction over the reply in official circles and it was indicated that the way now was regarded as clear for the preliminary negotiations, which will fix the time and place of meeting and details of procedure.

### Pre-Conference Session Plan.

Comprehensive consideration of the conference programme before the delegates assemble also was suggested in the Japanese note, and now is regarded as assured. The attitude of officials in Japan, however, in such a discussion would be to limit to all the invited powers had accepted invitations. A portion of the Japanese reply which attracted attention was a paragraph declaring it the sense of Japan to talk about Pacific and far-eastern questions. It is suggested that some questions which might otherwise affect only two or three powers will readily find a place in the category which the Tokyo government has accepted.

It was recalled here in connection with the Japanese reference to "such matters that may be regarded as accomplished facts" that the Japanese ambassador at London, recently indicated that his government would not care to discuss questions like Shantung and Yap because it regarded them as having been settled by the treaty of Versailles.

In other quarters, however, it has been pointed out that the Versailles treaty is not recognized by China as far as Shantung is concerned and that the United States has not consented to the treaty's terms on Yap and other mandate territories so that in each case an open question is raised which would seem to make further negotiations necessary.

### Limitation May Not Be Possible.

It also is emphasized that because of the situation in the far east where various powers have a direct concern in Chinese integrity and have large material interests and concessions, it may be difficult to agree that any particular question affects only a limited number of nations. All of this, however, is expected to be threshed out in the exchange of views which is to precede the conference.

It was explained that the Japanese government had taken into consideration in reaching its decision, the communications and the published statements of the American government of the conversations between the secretary of state and Baron Shidehara, indicating that the American government proposed to discuss the Pacific and the far eastern problems because of the close bearing they have on the question of the limitation of armaments. It was with the understanding, therefore, that discussion of the far eastern problems was made a preliminary to disarmament negotiations that the Japanese government has consented to consideration.

### The state department made public Japan's reply and the memorandum sent by the United States to the Japanese government through the American embassy in Tokyo July 23.

It was disclosed that other powers besides China having interests in the far east might be invited to take part in the conference on far eastern questions.

### Reply Is Received.

The Japanese reply follows: "The Japanese government has taken note of the contents of the American memorandum of July 23, received through the American charge d'affaires, in reply to the Japanese memorandum of July 13 on a conference."

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