

BOND DEBT NO BAR TO LEVYING BONDS FUNDS UPON LAND

Salem, March 21.—The bonded indebtedness of an irrigation district does not constitute a bar against loans under the Oregon bonus law, according to a statement issued here Monday by Captain H. C. Brumbaugh, secretary to the state bonus commission.

Brumbaugh's statement was prompted by reports being circulated throughout the state and by newspaper stories to the effect that the commission had ruled that bonds issued to an irrigation district constitute a first lien on land in the district, and that it is therefore impossible for the owner of such land to comply with the law requiring them to give the state a first mortgage on the property as a security for its bonus loan.

"The reports are utterly without foundation," declared Brumbaugh. "The law is plain on the subject and specifically exempts such liens in stating the requirement as to the first mortgage. The attorney general has never been asked for an opinion on the subject by the commission and states that he has never rendered such an opinion. To make such a ruling as has been reported would be illegal and in direct contravention of the letter and spirit of the law."

"In order that there may be no further misapprehension in the matter it should be understood that there has been no discrimination against lands in bonded irrigation districts and that the same will be accepted as security for the loan. As a matter of fact orders for appraisal of lands in bonded irrigation districts have been sent to the appraisers which would not have been done if there had been any question as to the acceptability of the security."

GUARD SHOTS WHEN ROCK IS THROWN

Shooting was taking his daily hour's exercise which is granted to each of the convicts who are confined in the "bullpen."

The dead convict was about 34 years of age. His father, W. F. Ogle, lives in Boise, Idaho. Ogle's record includes terms in the Monroe, Wash., reformatory and the Deer Lodge, Mont., and Walla Walla, Wash., penitentiaries.

Ogle broke rule several months ago. Davison stated to District Attorney John Carson, who conducted an investigation of the killing this morning, that Ogle had violated the rules governing the exercise of the pen by leaving the path upon which their exercise must be confined. At that time, Davison declared, he threw his son Ogle, a convict, a rock, striking him on the finger on the trigger, and ordered him back.

Ogle coolly glanced along the barrel and laughed, and then he stepped forward, crossed the deadline again, Davison explained.

"He was the coldest man I ever saw, all my 15 years of prison work, and was one of the most desperate men, too, in my opinion."

Should Ogle have succeeded in hitting Davison and knocking him from the wall, prison officials explained this morning, it would not have been a difficult matter to have mounted to the roof of the cell house from which access to the wall surrounding the prison was made, and to have thrown a stone at a desperate man.

MAY HAVE EXPECTED AID In connection with this morning's incident, prison officials recalled the threat of James Stanley, an ex-convict, who left the prison Sunday after serving a three year sentence for burglary. Stanley, it is said, had threatened to devote his time on the "outside" toward the release of certain of his prison cronies. The robbery of the Watt Ship Powder House near the prison on the night of Stanley's release, and the disappearance of a number of sticks of dynamite, lead prison officials to believe that there was some connection between this incident, the promise of Stanley and the incident leading to the killing of Ogle following his threat to leave the prison after "settling some body connected with that institution."

Ogle confessed he did shooting at Clarendon James Ogle was arrested, together with David Smith and "Dutch" Herman, alias

NOW! FRANK BORZAGE "Women Must Weep" Special Bruce Oregon Screen—Portland Cast Toonerville Comedy Screenland News

CLAREMONT MURDERER IS KILLED IN PRISON



Walter Bannister, alias Wallace Herbert, on November 23, 1919, and charged with the murder on the preceding night of Jasper N. Burgess, state highway commissioner, and George E. Ferringer, Umatilla county rancher, in a private dining room at Clarendon tavern, Ogle, in a statement to the police, admitted having taken part in the holdup that resulted in the murders, but denied that he had done any shooting. E. R. Marshall, companion of Burgess and Ferringer, identified Smith as the bandit who had killed his two friends.

On November 24 Smith and Herman confessed taking part in the holdup, Smith denying he had done the shooting. All three were convicted and given life terms. They were received at the state prison November 25.

On June 8, 1920, Smith approached Warden Compton and told him Ogle wanted to "come clean" on the Clarendon case. Ogle, after being warned by the warden that he need expect no leniency as a result of a confession, and after being assured that he could not be tried again on the murder charge, confessed that it was he who fired the shots that killed Burgess and Ferringer.

Ogle served two prison terms before his conviction in the Clarendon tavern case.

Sinnott Pleads for Farmers Who Hold Closed Bank's Notes

Washington, March 21.—(WASHINGTON BUREAU OF THE JOURNAL)—Representative Sinnott Monday complained with Comptroller of the Currency Crisinger concerning the position of farmers of Vale and vicinity whose notes given to two banks at Vale which failed have been hypothecated with the Federal Reserve bank. If collection on the notes is forced, it is represented, a serious situation will be presented, there being over \$700,000 on such notes.

Crisinger promised to do what he could to secure indulgence for the makers of these notes. He will communicate with Governor Callins of the San Francisco Reserve bank to request that foreclosure proceedings be not taken and tolerance be used in making collections.

Ray Dodge Takes Contest in News Writing at O. A. C.

Oregon Agricultural College, Corvallis, March 21.—Ray E. Dodge of Portland won the industrial news writing contest for the Sigma Delta Chi silver loving cup for the winter term. John C. Burnett of Dufur, who won the cup the first term, took second place and first place in the feature writing contest, also conducted by Sigma Delta Chi.

The winner of contest "B" for students covering industrial news "boats," was Merrill Deany of Etna Mills, Cal. Second place was awarded to A. Schoenfeld of Portland. Cecil Fuller of Portland won the first prize offered to beginning industrial journalism students. Elvin Hoy of Portland taking second place.

Japan May Select New Ambassador

Tokio, March 21.—Probability of the appointment of a new ambassador to Washington as a result of the illness of Ambassador Shidehara, which has caused him to secure a six months leave of absence, was discussed here today. Masanao Hatohara, delegate to the Washington arms conference, vice minister of foreign affairs and former consul general at San Francisco, was the most prominently mentioned as a possible successor to Shidehara.

Reported Agreement Scoffed at by Tokio Tokio, March 21.—(U. P.)—Japan will not take forcible possession of the charges of representatives of the China government that Marshal Joffre, while visiting Japan, negotiated a Franco-Japanese agreement with regard to Siberia. A high Japanese official today declared that the government feels the charges are too ridiculous to be dignified with a denial.

MRS. LEVY WINS DECREE Kalama, Wash. March 21.—A final decree of divorce was granted to Eudora Irene Levy from Samuel G. Levy by Judge Kirby, Monday.

Southport COAL HEAD OFFICE 301 OAK ST. E. Editors

THREE JUSTICES SEEK REFLECTION

Salem, March 21.—The formal declaration of George H. Burnett, John McCourt and John L. Rand as candidates for the Republican nomination for justices of the supreme court were filed with Secretary of State Kozar this morning. All three are now members of the supreme bench. Burnett presiding as chief justice and McCourt and Rand occupying seats on the bench as associate justices.

Burnett in his slogan declares for "just administration of the constitution and laws without fear or favor." McCourt's slogan reads "present incumbent. Loyalty to the law; justice to litigants."

Rand's slogan reads: "Present incumbent, support and defend the constitution. Maintain the law." The three platforms are identical, pledging the candidates to support the constitution of the United States and the constitution of the State of Oregon and to faithfully and impartially discharge the duties of a justice of the supreme court of this state according to the best of their abilities.

Burnett is a member of the supreme court on January 1, 1911, and is serving his second term as chief justice. He was born in Yamhill county May 9, 1853.

McCourt was appointed to the bench by Governor Olcott in October, 1921, to succeed Justice Charles A. Johns, who had resigned to accept a position on the supreme bench of the Philippine Islands.

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opponents of the income tax. He said he thought it was backed by the millage tax interest. "The more money collected, the more will be spent," he said.

Another opponent was Watson of Tillamook, who said he was neither a lawyer nor a politician, but just a plain ordinary citizen. It was no time for radicalism, he thought. The purpose of the convention as he saw it was not to devise new methods of taxation but to reduce. "If this motion is adopted" he said "we will be a joke."

A. L. Mason of Hood River thought if the present is not a time for radicalism he newly expected to see a time during the rest of his life.

"We are here to reduce taxes not to create more" said P. H. D'Arcy. "Why should we mix up with the grange?" He attacked the state millage levies for higher education but disclaimed not being a friend of education.

Chris Schuebel of Clackamas said that the situation demanded action in two directions, first cutting out unnecessary expense and second equalizing taxes.

Defending the millage taxes Walter Pierce justified the salary of President Kerr of the Oregon Agricultural college by comparing it with that of presidents of similar colleges in other states. As to reducing the state tax he thought that possibly \$1,500,000 might be eliminated.

"The big question," said he, "is whether we are going to have property rights in Oregon. If an income tax were not adopted the result, he said, would lead to confiscation of real property. Groner of Hillsboro was opposed to an income tax because he thought that it would be passed on to the consumer.

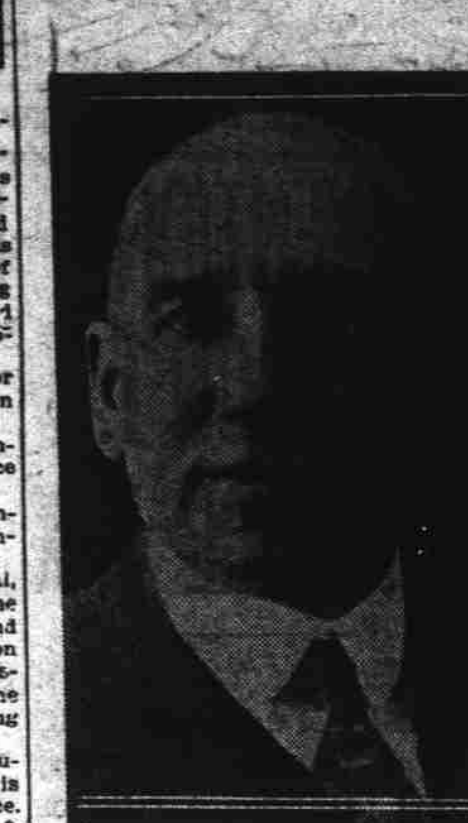
Seymour Jones asked Spence if the bill being proposed would have to be applied to a specific purpose. When it was explained that it was the intention to deduct the amount of the property tax, he said that he was in favor of it.

W. H. Strayer of Baker, declared that fundamentally he was in favor of an income tax, but he wanted it safeguarded so that it would not add to taxation. His legislative experience had taught him, he said, that when new revenue is provided new use is found for it.

Hal Patton of Salem was evidently not satisfied with the course of events. The chairman would have to make his talk providing he spoke to the subject. As to the controversy between him and Walker that could be settled at another time. Walker yielded his objection and the excitement blew over.

FAYOR INCOME TAX After debating the subject all Monday afternoon the convention adopted by a vote of 58 to 28 a resolution indorsing a graduated income tax and creating a resolution of three to work with a committee which is preparing an income tax law to be voted on by the voters of the state at the November election.

Supreme Court Justices to Run Again



John Rand



John McCourt



George H. Burnett

restricted by shrinkage in assessed value to \$1,835,000. It will also be observed that the levy for 1923 will be \$7,750 less than for 1922, notwithstanding an increase of 2500 pupils.

"The estimated increase in school children for last year was 2500. Actual increase was 2338. It is estimated there will be 2500 more children in school next September. Their schooling will cost approximately \$108,000 during the fall term, not to mention housing facilities. This makes it necessary to eliminate a part of the present school activities."

"The building and equipment needs of the district as set out in the original report are substantially correct in the total of \$43,000; if new buildings and additions and replacements are not granted at the locations mentioned, they must be to others. The stability of the city, and the constant school population is unquestioned."

The education committee is composed of Directors Frank L. Shull and W. J. H. Clark.

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Reservations have been made for the following members of the Chicago Grand Opera company at the Multnomah hotel: Mrs. and Mr. (L. Cavalli), George Baklanoff, Rosa Raisa, wife of Rummel, Edward Rummel, Edith Mason, Forrest Lament, Virgilio Lament, Hector Duprante, Smalens (conductor), George Folocco (principal conductor), Margery Maxwell, Edouard Cottreuil, Maria Claessens, Irene Pavloska, Falco, C. A. Shaw (four doctors).

The Portland engagement is one of three which the singers are scheduled to sing on the Pacific coast. After the closing performance of Saturday night, the special trains will leave for San Francisco for a season and will go there to Los Angeles.

The opera to be sung here are: Wednesday night, "Vandri"; Thursday night, "Lohengrin"; Friday night, "Romeo and Juliet"; Saturday matinee, "Thais," and Saturday night, "Aida."

\$25,000. But this arrangement was contrary to law and could not be consummated.

"I am further of the opinion that the school board, district No. 1, Multnomah county, has been damaged, if at all, only to the extent that they have purchased equipment for Benson Vocational high school before it was needed by them for their regular work."

"Although I cannot find any liability on the part of the federal board for vocational education, yet if you have need for some of this equipment elsewhere and can obtain permission from the secretary of war, as required by the Caldwell act, then I would suggest that you could repurchase from the school board, district No. 1, Multnomah county."

EXPENSES JUMP The educational committee, in its additional report, stated that the cost to operate, support and maintain the schools, exclusive of salaries for permanent personnel, for the year ending June 30, 1921, had been \$1,108,500.73. June 30, 1922, \$1,476,243.33, and for the year ending June 30, 1923, \$1,775,550.74. The school attendance had leaped from 32,584.8 in 1920 to 32,234.8 on February 24, 1922, the latter figure being below actual because of illness from influenza.

For the same period under the 6.5 mill tax limitation, according to the committee, the amount payable for the year ending June 30, 1921, was \$1,108,500.73; for 1922, \$1,476,243.33; and for 1923, \$1,775,550.74. The committee suggested that the amount payable for the year ending June 30, 1923, be \$1,476,243.33, or 6.5 mill tax limitation, the levy for 1923 being \$1,476,243.33, whereas under the 6.5 mill tax limitation statute, the levy is

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OREGON'S HANGING LAW IS HELD VALID

(Continued From Page One) governments. The power of the government to inflict the death penalty has not been denied in England nor in this country, save in a few instances. * * * except in states, if there be any, having constitutional provisions prohibiting the infliction of the death penalty. No denial of that power, nor any declaration concerning the same is found in any of the famous English charters and acts from which are taken the maxima and principles grouped in the bill of rights of the American constitution.

IDEA NOT FIXED "The conception that the death penalty should not be inflicted as a punishment for crime is one that has taken form since the adoption of most of the state constitutions. In those states where it has developed to the extent that a majority of the people subscribed to it, statutes have been passed repealing the existing provisions prescribing that penalty.

"In some of such states a change of sentiment has occurred, with the result that later statutes have been enacted restoring the death penalty. Thus, it appears that the idea has not become so crystallized and fixed that it is appropriate that it be embraced in constitutions as a permanent principle.

ACT HELD VALID "Whereas in Oregon the people have seen fit to enact prohibition against inflicting the death penalty by amendment to the constitution, it would be strange, indeed, if by that act they have deprived themselves of the power to restore the death penalty by the same method upon later discovery that the same was required by sound policy.

"In whatever aspect the matter is viewed, the opinion concludes, "it conclusively appears that the claims and contentions of petitioner are not well founded. It is also clear that the constitutional amendment adopted by the

YANCOUVER MARRIAGE LICENSES

Vancouver, Wash., March 21.—The following marriage licenses were issued Monday: Henry A. Wilson, 31, District Wash., and Lillian Brown, 31, Portland; Pete E. Johnson, 22, La Center, Wash., and Catherine E. Pelletier, 17, Portland; J. J. Kirtzer, 31, and Rebecca H. Davidson, 31, Portland; Charles J. Webb, legal, and Dora Nickerson, legal, Portland; Carl S. Campbell, 21, Seattle, and Dorothy Kitchin, 18, Portland; John A. Strong, legal, and Viola Knudsen, legal, Portland; George F. Hughes, 24, and Marjorie Reed, 17, Portland; Edward W. Hart, 43, and Lydia Tiggs, 18, Portland; Guy F. Shaw, 34, Hoff, Ore., and Sylvia J. Widel, 17, Sherwood, Ore.

SCHOOLS COST SHARP Oregon City, March 21.—The cost of operating the schools in Clackamas county during 1921 was \$873,991, according to a report submitted to the state superintendent of public instruction by local school officials. The county is third in the state in cost, being exceeded by Multnomah and Marion counties, but the school census shows it to be third largest in Oregon.

SUPREME COURT OPINIONS Salem, March 21.—Opinions handed down by the supreme court today were: Charles E. East vs. City of Newberg, appellant; appeal from Yamhill county, suit to recover damages for injuries. Opinion by Justice H. H. Bell reversed and case remanded.

Robert Cole vs. A. Johnson et al., appellants; appeal from Columbia county, suit to recover damages for alienation of affections. Opinion by Justice H. H. Bell reversed and case remanded.

State of Oregon vs. Louis Romano, appellant; appeal from Columbia county, conviction for violation of prohibition law. Opinion by Justice Brown, Justice J. A. Egan, affirm.

Fred Liffors vs. Magnus Liffors, guardian ad litem, H. A. Egan, appellant; appeal from Multnomah county, motion to dismiss appeal overruled in opinion by Chief Justice Burnett.

Advertisement for Admiral Line travel by water to California. Includes text: "TRAVEL BY WATER To California", "HAVEN'T YOU longed to take a short sea voyage...", "TICKET OFFICE: 181 Third St., Cor. Stark, Phone B-2745", "Pacific Coastwise Service The ADMIRAL LINE H. F. ALEXANDER, PRESIDENT"

Advertisement for Admiral Line: "Pacific Coastwise Service The ADMIRAL LINE H. F. ALEXANDER, PRESIDENT"

SCHOOL BOARD WILL ASK FOR \$3,000,000

(Continued From Page One) \$3,000,000 annually, the committee urged the elimination of graduation exercises in the elementary schools, the cost of which is \$97,899.75 annually.

It was not recommended that these activities be removed from the high schools since the pupils would take some other course instead that would involve equal expense.

WILL DECIDE MARCH 23 Director Woodruff expressed the opinion that many of these economic would never be tolerated by the public; Director Thomas said he believed every child should be taught to swim and that the teachers were particularly opposed to the abolition of commencement exercises because of the sentimental value attached to them.

The resolutions relating to be held March 23, the board will decide just which of these economies it will eliminate, and will act that time give notice to the teachers concerned. Money available through the discharge of these economies necessary to take care of the increased school population next fall.

ATTENDANCE INCREASES "If the district could have operated under the 6.5 cent limitation," said the committee, "the amount payable for 1922, \$394,490 more than it did, and for 1923, \$422,874.40 more than it can, which would have been possible a levy for 1923 of \$2,307,874.40, whereas under the 6.5 mill tax limitation statute, the levy is

SCHOOL CLAIM OF \$25,000 REJECTED

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