

# SENATOR FREE BY DECISION

## Conviction of Newberry Set Aside by United States Supreme Court

### OPINION IS UNANIMOUS

### Justices, However, Divide on Validity of Corrupt Practices Act

WASHINGTON, May 2.—Setting aside the conviction of Senator Truman H. Newberry and 16 others for violation of the federal corrupt practices act, the supreme court held today that the act was unconstitutional.

The court was unanimous in reversing the conviction, but divided five to four as to the validity of the law. Chief Justice White and Associate Justices Pitney, Clark and Brandies dissented

from the court's findings that congress was without power to regulate state primaries, but concurred in the reversal which, they thought, should have been based on the error of the trial judge in directing the jury.

**Future Action Uncertain.** Justice McKenna, while concurring in the majority opinion "as applied to the statute under consideration," reserved the question of power of congress under the 17th amendment which provides for direct election of senators to supervise primaries.

Opinion was divided in the senate as to the effect of the decision on future activities of the elections committee with regard to the Michigan election of 1918 in which Henry Ford, as the Democratic candidate, opposed Mr. Newberry.

Senator Dillingham, chairman of the committee, said that since the corrupt practices law had been held unconstitutional, it appeared that the committee would have no further jurisdiction.

On the other hand, Senator chairman of the sub-committee, which has been considering the Ford-Newberry case, announced that the inquiry would be continued to determine who was cleared, as well as Mr. Ford's charge of fraud.

**Senate Seat Vacant.** Senator Newberry has taken no part in senate affairs and has not been in his seat since he was sentenced to serve two years in

federal prison and pay a \$10,000 fine.

The court's decision was that the direct election amendment had not affected section 4, article 1 of the constitution, which, the majority opinion said, while it gave congress the power to regulate the manner of holding elections, did not confer on it authority to control party primaries or caucuses.

Domestic affairs of the states would be interfered with if, as held by the majority, the amendment held to have control over the primaries, the opinion stated. It was pointed out also that inasmuch as states "may suppress whatever evils may be incident to primary or caucus," and each house of congress has the power to make elections, qualifications and returns of its own members, and inasmuch as congress has authority to regulate the times, places and manner of holding elections, "the national government is not without power to protect itself against corruption, fraud and other malign influences."

**White Explains Position.** Chief Justice White, in his dissenting opinion, said he favored reversal of judgment, obtained in the lower courts against Senator Newberry and 16 others, without prejudice to a new trial. "Because of the grave misapprehension and grievous misapplication of the statute on which the conviction and sentence was based."

The chief justice predicted that legislation would be enacted to give congress power to regulate elections. "Otherwise," he said, "government cannot live." The proposition that the power of states solely to control primaries is not affected by the right of congress to regulate elections was referred to as "suicidal" by the chief justice, who declared that in states in which the primary has become the controlling feature of elections, "the election is still born and the vote without power or weight."

**Influence Held Dangerous.** "The influence of who is nominated for elective office," his opinion said, "upon the result of the election to fill that office, is so known of all men that the proposition may be left to destroy itself by its own statement."

The dissenting opinion of Justice Pitney, concurred in by Justices Brandies and Clarke, said it would be tragic if that provision of the constitution which has proved the sure defense of every outpost of national power should fall the very foundation of the citadel.

**Sinister Influence Seen.** Justice Pitney declared as untenable the contention that congress could not have power over primaries.

Commenting on the question of exercising vigilance over the conduct of primaries, Justice Pitney said "sinister influences exerted upon the primaries inevitably have their effect upon the ultimate election—any employed for no other reason."

**Humors Come to the Surface** in the spring as in no other season. They don't run themselves all off that way, however, but mostly remain in the system. Hood's Sarsaparilla removes them, wards off danger, makes good health sure.

**Wyoming is Collecting History of Mail Flying**

SHERIDAN, Wyo., April 26.—So that future generations may know how the first mail flyers crossed the continent just as the present generation knows much about the men and women who crossed in '49 in "prairie schooners," a history of the first air mail flight has been written by E. E. Allyn, one of the fliers who made the trip. The history has been presented to the Wyoming State Historical society by Mal. Ed P. Taylor.

The state historian is collecting all available material on the same subject.

**GLASS OF SALTS CLEANS KIDNEYS**

If your Back Hurts or Bladder bothers you, drink lots of water

When your kidneys hurt and your back feels sore, don't get scared and proceed to load your stomach with a lot of drugs that excite the kidneys and irritate the entire urinary tract. Keep your kidneys clean like you keep your bowels clean, by flushing them with a mild, harmless salt which removes the body's urinous waste and stimulate them to their normal activity. The function of the kidneys is to filter the blood. In 24 hours they strain from it 500 grains of acid and waste, so we can readily understand the vital importance of keeping the kidneys active.

Drink lots of water—you can't drink too much; also get from any pharmacist about four ounces of Jad salts; take a tablespoonful in a glass of water before breakfast each morning for a few days and your kidneys will act fine. This famous salt is made from the acid of grapes and lemon juice, combined with lithia, which has been used for generations to clean and stimulate clogged kidneys; also to neutralize the acids in urine so it is no longer a source of irritation, thus ending bladder weakness.

Jad salts is inexpensive; cannot injure; makes a delightful effervescent lithia-water drink which everyone should take now and then to keep their kidneys clean and active. Try this, also keep up the water drinking, and no doubt you will wonder what became of your kidney trouble and backache.—Adv.

# PRUNES LEAD IN FRUIT LAND

## Willamette Valley Leads Association With 17,536 Acreage

### ENGLAND HEAVY BUYER

### New York City is Greatest Market of United States

Of the 28,828 acres of fruits controlled by the Oregon Growers' Cooperative association, 14,614 acres are prunes. Other acreage is as follows: apples, 6,579; pears, 5,923; cherries, 887; walnuts, 1,119; berries, 88; miscellaneous, 121.

Of the three great fruit valleys in western Oregon, the acreage of the association is divided as follows: Willamette valley, 17,536; Rogue River valley, 6,727; Umpqua valley, 4,575.

During the past season, about 12,000,000 pounds of prunes were delivered to the association by its members. Of this total there remained on hand April 26 at the various plants 3,977,943 pounds.

England has been a heavy buyer of Oregon prunes. During the past season, 19,970 pounds were shipped to Liverpool, 41,250 pounds to London, 55,900 pounds to Glasgow and 21,250 pounds to Bristol.

The Canadian market was supplied through Montreal, which bought 13,250 pounds. Holland was supplied through Rotterdam, with purchases of 175,175 pounds. A portion of the shipments to Rotterdam were made through the Panama canal.

In the United States, New York City is of course, the great prune market, as it bought 1,759,914 pounds. With shipments to other New York cities, the total to the state of New York amounted to 1,940,915 pounds.

Other cities taking heavy shipments of Oregon prunes from the association are, according to pounds:

Chicago, 469,102; Philadelphia, 427,290; Boston, 381,255; Minneapolis, 375,400; Sioux City, 216,875; Kansas City, 212,160; Pittsburgh, 187,500; Oklahoma City, 172,250; St. Paul, 168,300; Seattle, 146,854; Detroit, 141,250; New Orleans, 117,500; Des Moines, 109,900; Butte, 82,125; San Antonio, 66,500; Springfield, Mo., 61,250; Davenport, 60,900; Wichita, 60,000; Denver, 58,750; Cleveland, 57,500; Buffalo, N. Y., 56,250; Austin, 56,500; Coffeyville, Kan., 55,000; Baltimore, Louisville, 55,015; Duluth, 53,750.
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The question of how Oregon prunes and those grown in California compare in size can now be definitely determined from the grading sheets of the Oregon Growers Cooperative association and the report of sizes as published in the California Fruit

Italians	Pettites
30-40s	8.5
40-50s	22.2
50-60s	28.1
60-70s	17.6
70-80s	12.8
80-90s	6.2
90-100	2.2
100-120s	1.4
Splits	1
120s and over, none	3

**LIMIT OF SPEED TROTTERING COMING**

Kentucky College Professor Predicts Slower Improvement

LEXINGTON, Ky., April 20.—The limit in speed of trotting and running horses has almost been reached, according to Prof. W. R. Anderson of the animal husbandry department of the Kentucky State college of agriculture. Improvement in the future will be much slower than at any time in past years, he said.

Professor Anderson has been making a special study of record-holding standard-bred trotters and thoroughbred runners, and bases his conclusions on a study of records and histories of the animals covering a period of more than 50 years.

In 60 years, the record of the three-year-old trotters has been lowered from 2:40 to 2:02 1/2, a reduction of 37 1/2 seconds, Professor Anderson finds. In 48 years the American record of running horses over a distance of one mile has been lowered from 1:42 1/2 to 1:34 1/2, a reduction of six and four-fifths seconds. Neither breed has failed to make improvement during a generation, according to Professor Anderson, and in some cases improvement has been so rapid that many new records have been made in the life of a single horse.

The gradual improvement in the speed of trotting horses, according to Professor Anderson, is shown clearly by the records of three-year-olds and the years in which they were made. These are as follows:

1860—Elmer White, 2:40
1874—Lady Stout, 2:29
1883—Blada Rose, 2:19 1/2
1889—Artell, 2:14
1892—Arion, 2:10 1/2
1910—Colorado E., 2:04 1/2
1914—Peter Volo, 2:03 1/2
1917—The Real Lady, 2:03
1920—Sister Bertha, 2:02

When Peter Volo established his unexpected race record of

2:02 1/2 in 1917, the prediction was made that the limit of speed for his age had been reached, but Miss Bertha Dillon equalled the record in 1917, when The Real Lady cut one-half second off it. Three years later, Sister Bertha, a full sister of Miss Bertha Dillon, placed the time at 2:02 1/2. Professor Anderson said that there are reasons to believe that the ambition of breeders to place the three-year-old record at two minutes may be realized.

Peter the Great, Stanchion A. Fletcher's great stallion, has played an important part in the improvement of trotting horses, according to Professor Anderson. This great sire has produced 59 horses, which have made records from 2:10 down to 2:03 1/2. He also sired Miss Harris M, which holds the record as the fastest pacing mare in the world with a mark of 1:57 1/2.

Some of the progress made by running horses, according to the professor, may be obtained from a record of their achievements, which follow:

1872, Alarm, 1:42 1/2; 1875, Searcher, 1:41 1/2; 1877, Ten Crows, 1:40 1/2; 1879, 1:39 1/2; 1890, Racine, 1:39 1/2; and Salvatore, (straight course) 1:35 1/2; 1900, Voter and Orman, 1:35; 1903, Victor, 1:34 1/2; 1903, Dick Wells, 1:37 1/2; 1908, Center Shot, 1:37 1/2; 1914, Amalfi, 1:36 1/2; 1918, Su Brier, 1:36 1/2; 1918, Roamer, (against time) 1:34 1/2; and 1920, Man-O-War, 1:35 1/2.
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The most remarkable thing about the running records, Professor Anderson said, is the fact that Man O'War, a three-year-old, holds the record for all ages of three-year-old horses in a race.

# UNEMPLOYMENT IS DECREASING

## Portland and Seattle Labor Conditions Show Big Improvement

SAN FRANCISCO, April 27.—Unemployment generally is less in the twelfth federal reserve district than it was a month ago, according to a statement issued here today by the San Francisco federal reserve bank.

"Portland reports a marked decrease in unemployment, and employment in Seattle is also increasing," the report said. "More

# RED PEPPER HEAT STOPS BACKACHE

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Rheumatism, lumbago, neuralgia, backache, stiff neck, sore muscles, strains, aching joints. When you are suffering so you can hardly get around, just try "Red Pepper Rub," and you will have the quickest relief known.

Nothing has such concentrated, penetrating heat as red peppers. Instant relief. Just as soon as you apply Red Pepper Rub you feel the tingling heat. In three minutes it warms the sore spot through and through. Frees the blood circulation, breaks up the congestion and pain is gone.

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30 LIONS 30 IN ONE BIG ACT

20 PERFORMING BENGAL AND SIBERIAN TIGERS

40 An Equestrian Act Supreme

Alice Jungleland

men are at work than one month ago and a considerable number are being directed to work in other sections. In Spokane the situation remains practically the same, with approximately 2000 men out of employment, the reduced demand for agricultural labor with former years being most noticeable in this section.

In Utah and Arizona the conditions are, if anything, less favorable than last month, largely due to the cessation or curtailment of copper mining operations. In California industrial concerns are employing more men than one month ago and the demand for outdoor workers in the seasonal occupations has increased.

Father—This thrashing I'm going to give you will hurt me more than it will you, Johnny.

Youthful Offender—Well, don't be too rough on yourself, pop. I ain't worth it.—Legion Weekly.

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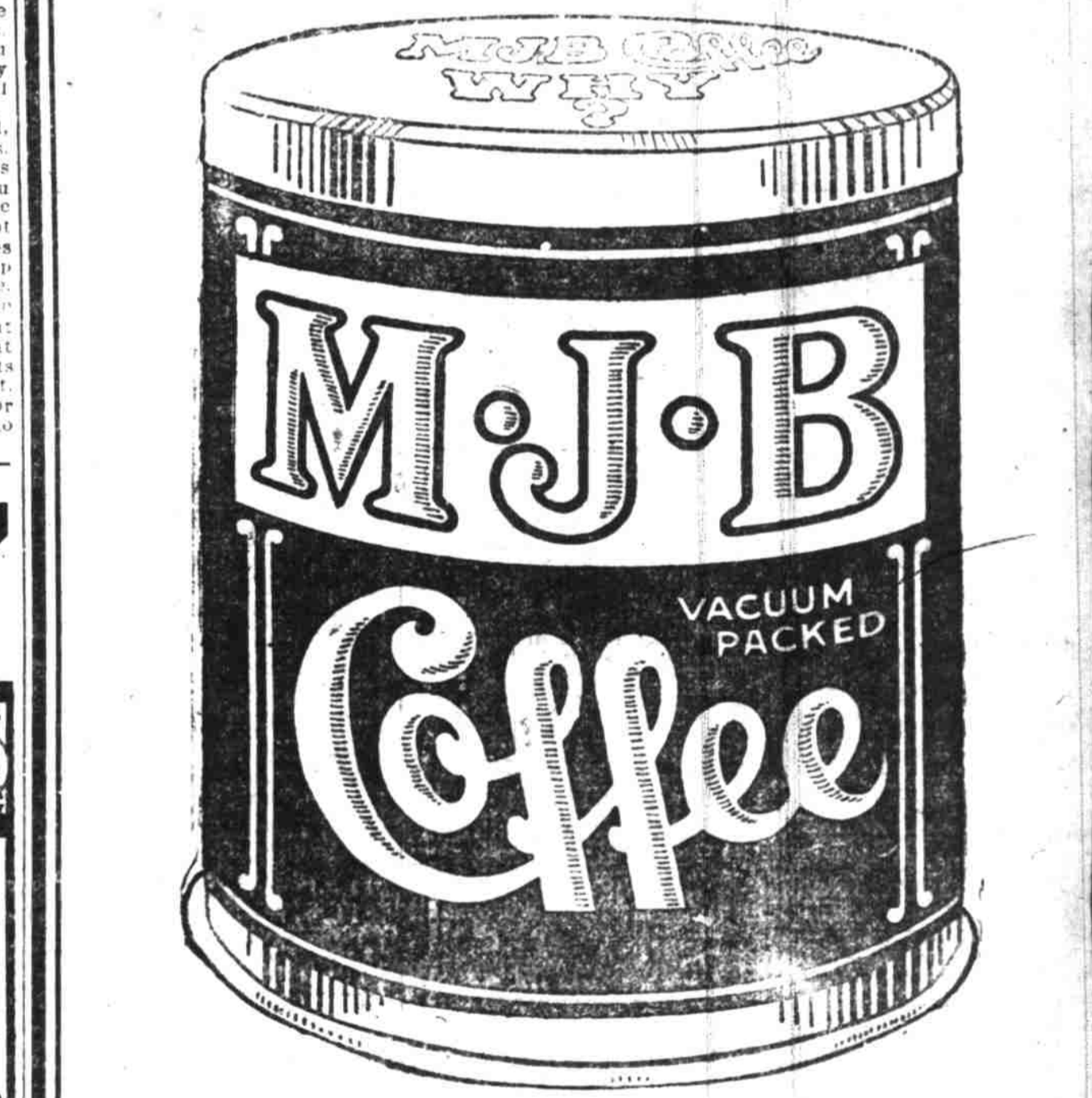
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4 bars Cream Oil Soap	25c	Diamond C Flour	\$1.65
Large Package Citrus	27c	Vim Flour	\$2.25
6 bars Ivory Soap	49c	10 Crystal White Soap	59c
10 lbs Fancy California Head Rice	46c	Jell-O, all flavors, 3 for	25c
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