

WEATHER

Tuesday rain; fresh southwest-erly gales.

The Oregon Statesman

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SEVENTY-FIRST YEAR

SALEM, OREGON, TUESDAY MORNING, DECEMBER 13, 1921

PRICE: FIVE CENTS

OVERSEAS MAN IS MURDERED

ROY GARDNER IS TAKEN TO FEDERAL JAIL

Insanity Plea Withdrawn, Maricopa Charge Dismissed and Mail Car Bandit Goes to Leavenworth.

PROMISES NOT TO ESCAPE ON JOURNEY

Judge Sawtelle Intimates If He Behaves He May Go Free Once More

PHOENIX, Ariz., Dec. 12.—Withdrawing the plea of "not guilty by reason of insanity," Roy Gardner twice convicted of mail robberies, today pleaded guilty in the United States district court here to another charge of having attempted to rob a mail car here and received his third sentence of 25 years in a federal penitentiary. Gardner now has been sentenced to serve a total of 75 years in federal prison.

Gardner was captured during his attempt to rob the car here by Herman F. Interled, clerk in charge of the car. At first the department of justice ordered that Gardner be taken to Leavenworth, Kas., to serve the sentences already imposed upon him without further trial here. When it was found, however, that this would prevent the payment of a reward of \$5,000 to Interled, it was ordered that Gardner be tried here.

Gardner still has chance Leavenworth to serve his sentences. Judge William H. Sawtelle told him that his sentence did not mean that he would have to spend 75 years in prison.

"How long you stay there depends entirely upon your conduct," the judge said.

Hope that Gardner would change his attitude toward the laws and the government and become a good citizen, "both for your own sake and that of your wife, who has stood by you in this case, thus demonstrating her love and loyalty to you," was expressed by Judge Sawtelle. Mrs. Gardner was beside Gardner as sentence was pronounced.

Maricopa Charge Dismissed As soon as sentence was pronounced, Thomas A. Flynn, United States district attorney moved that the charge of robbing a mail car at Maricopa, Ariz., on November 3, be dismissed and the court ordered that it be done. It was on this charge that Gardner was tried last week. He admitted committing the robbery, but claimed he was insane at the time. The jury which heard the case was unable to agree on a verdict.

Carl A. Davis, attorney for Gardner, announced that Gardner had promised not to try to escape from his guards on the way to the prison. Mr. Davis also said an effort would be made to have the prison authorities have an operation performed on Gardner's skull in an effort to remove the pressure on the brain which the defense claims caused Gardner to commit crimes. During his trial last week it was testified that there might be pressure on the brain because of a fracture of Gardner's skull in Bisbee, Ariz., in 1908.

Captured in Hold-up Gardner escaped from the federal prison at McNeil island, Wash., on September 5, during a prison baseball game there. He was there to serve two sentences of 25 years each on charges of robbing United States mails. After his escape he wandered down the coast, finally reaching Mexico, and then coming back into the United States, reaching Phoenix on October 22. He was here for most of the time from then till he was captured, unidentified. He was arrested on the night of November 15, when he attempted to rob a mail car while it was standing at the Atchison, Topeka & Santa Fe railway station, but he was not identified as Roy Gardner until the following day.

Birtchett Receives Pay Under Compensation Act

For two week's loss of time while he was confined at home with a bullet wound in the hip as a result of a fight with a man whom he was arresting, W. W. Birtchett, Salem police officer, has received from the state industrial accident commission the sum of \$33.12. The city of Salem operates under the workmen's compensation act.

METHODIST THEATRE STAR SAYS SHE WILL QUIT SHOW



MISS EDITH KING, leading woman in the new comedy "Thank-U," now playing in New York city, has entered her resignation, saying that she must either sever her connections with the theatre or with the Methodist church. Just for what reason she is resigning is worrying John Golden, the producer. George Shiller, also of the same company, quit about two weeks ago. Mr. Golden says that the religious reason for the cancellation of her contract is insufficient, and that he intends to hold both actors to their contracts, amicably if possible, but legally if necessary.

STERILIZATION LAW DECLARED INVALID BY LOCAL JURISTS

ALBANY, Or., Dec. 12.—Oregon's sterilization laws were held unconstitutional in an opinion of Percy R. Kelly and G. G. Bingham, judges of the third judicial district, which was forwarded by Judge Kelly today to the clerk of Marion county.

The act of 1917 was held unconstitutional because it designates inmates of state institutions only as subject to it and hence is held class legislation. The 1919 act was held invalid because it provides no court procedure for the disposal of cases.

The ruling was made in a case filed by Jacob Cline, an inmate of the state penitentiary, on whom an operation had been ordered performed by order of the state board of eugenics.

SILVERTON VOTERS ADOPT NEW CHARTER BY HEAVY MAJORITY

SILVERTON, Or., Dec. 12.—(Special to The Statesman)—With the carrying of the affirmative side of the question in a special city election here today a new charter was adopted for the city of Silverton. The majority was heavy and the vote was large, due to favorable weather and the wide interest that has been aroused in the issue that was placed before the voters.

One feature of the new charter is that it will give the city water commission more power than at present, among other things giving the commission authority to handle its own financial affairs. Another feature pertains to better sewer facilities that will be possible under the charter. One of the most important, particularly from the point of view of the public health, is provision for inspection of dairies located within the city limits.

The question was referred to the people by the city council and a special committee appointed from the Silverton Community club. ing session held here today. Judge E. H. Smith of Lake county, president of the association, announced that he would appoint a committee, to confer with state highway officials for the drafting of a consistent system for marking roadways. Road matters occupied most of the first day of the convention.

JAPANESE AND U. S. AGREED ON YAP ISLAND

Nippon Retains Administrative Control, But United States Secures Desired Privileges.

YAP-GUAM CABLE TO STAY UNDER CONTROL

Powers At Paris Turned Down Wilson Administration's Request

WASHINGTON, Dec. 12.—(By the Associated Press.)—The American and Japanese governments have composed their differences over the Pacific island of Yap, and are preparing to sign a treaty by which Japan retains administrative control over the island and the United States secures the cable and wireless privileges that for which she has contended since the Paris peace conference.

Japan's league of nations mandate over Yap and all other northern Pacific islands formerly under German sovereignty, is given recognition by the United States on certain conditions. These include provisions for free admission of missionaries and protection of American interests in the mandated territory and require that Japan shall report to the United States as well as to the league on details of her administration.

Wire Rights Denied The Yap cable and wireless rights regarded as highly important because of the island's advantageous position in the Pacific, are accorded to the American and Japanese governments and nations alike, on terms of equality. In the exercise of these rights American nationals are to be free from taxes, licensing, censorship and every form of discriminatory supervision, and in addition are to be aided by the Japanese government in securing needed property and facilities.

The immediate value of the arrangement to the United States lies in the concessions on cable communications, because they insure complete American control of the existing cable between Yap and Guam. Considerable importance also is attached by American officials to the radio privileges, although it is to be agreed in the treaty that no American radio station will be installed while the present Japanese plant is operated without discriminatory extension.

Signature Expected Soon Signature is expected within a few days, erasing one of the principal causes for controversy between Washington and Tokyo and ending several months' negotiation. The agreement was announced today to the committee of the whole of the arms conference.

The American request for a communication base in Yap first was laid before the powers in Paris, and the Wilson administration later protested when the league awarded a mandate to Japan without recognizing the American claims. The league referred the question to Japan and the United States for settlement. Japs Withdraw Objection After an inconclusive dispute (Continued on page 2)

ARCHERD HAS STUNT KITTY AT HIS SHOP

Her Name is Pete—Charley Keeps Her Hungry So She Will Perform Well

Charles R. Archerd, prominent business man and also prominent Elk, has a trained office cat. Her name is Pete.

When Mr. Archerd arrives at his office, this cat will lie down, roll over two or three times and then look appealingly at Mr. Archerd for something to eat.

If the breakfast is not forthcoming at once, the cat will repeat the performance, with the assurance that one good turn deserves another and that breakfast will be served.

Now, whenever a good customer appears and business has been transacted, Mr. Archerd brings out his cat and has her perform until now she is ready to do her vaudeville stunt any time except immediately following a meal.

Some time ago David Reese, of the Jefferson road, brought to the Archerd implement store a fine collection of nine cats, of which three were adults and the other six of all colors, kinds and varieties. One is sort of a subdued elephant bluish color. But Pete, the performer, ranks at the head of the class and Mr. Archerd is of the opinion there isn't a performing cat in the country that can compare with her.

EIGHT-CENT FARE HEARING IS TODAY

City Council Urges Interested Public to Attend Session At Capitol

All Salem citizens who approve the Salem city council's opposition to the proposed increase in the Salem street railway's present 5-cent fare are urged to attend the hearing in the public service commission's offices at 10:30 o'clock this morning.

The Southern Pacific company, owner of the local street railway line, in January, 1921, demanded an increase to an 8-cent fare. Hearing has been twice postponed.

Salem will be officially represented by a special committee recently appointed by the council and who, with the aid of City Attorney Ray Smith, will attack the 8-cent fare proposal.

Members of the committee are Ed Schunke, chairman; Hal D. Patton and J. B. Giesy. The council's representatives have been devoting much time to the task of collecting material for the argument against the increase. Many Salem residents have been invited to attend the hearing, and others who object to the increase and who have not been interviewed are also urged to participate in the session.

Citizens who attend the hearing are requested to be prepared to present their views concerning the effect of the increase on their districts with a view of disclosing the damage that would be done by discontinuing building and development in the outer wards of the city.

DRAWING JURY

SAN FRANCISCO, Dec. 12.—Superior Judge Harold Lougher today directed the drawing of a new jury panel of 125 names in his court in preparation for the opening of the second manslaughter trial of Roscoe Arbuckle, scheduled for January 9.

DO YOU REMEMBER?

Of course everyone remembers the great flood of 1921 when the river broke all records by rising 13 feet overnight and when many people living along the Santiam river awoke one night to find their homes surrounded by water. And there were 10 1/2 inches of water fell on Salem during the month of November, breaking all November records for rainfall.

Do you remember when the people of Salem took refuge from the flood of 1861-1862 at the old Oregon institute? And do you remember when a steam boat came up State street as far as the First Methodist church? Do you remember when the space on the south side of Ferry street between Liberty and High streets was known as "Peppercorn Flat"? Do you remember when certain (Continued on page 2)

NEW CITIZENS HONOR GUESTS DECEMBER 21

American Legion and Scouts Prepare Special Event to Welcome 210 Foreign-Born Residents.

MUSIC AND ADDRESSES PLANNED FOR PROGRAM

State Officials and Naturalization Workers Will Be On Platform

Americanization day will be observed in the United States for the first time on December 21, when Capitol post No. 9, American legion, and allied troops of Salem Boy Scouts will welcome the 210 foreign born residents of Marion county who have completed their naturalization papers since November 11, 1918.

Public spirited artists and public officials will participate in the program, two numbers of which will be dedicated to special features directed by the Boy Scouts.

The special program committee of the local post held a spirited meeting at legion headquarters last night. The program, designed to honor all newly naturalized American citizens has met with the enthusiastic approval of all public persons who have been brought into touch with the movement. Legion members report.

Numbers Are Many Musical numbers, community singing and brief addresses are included in the tentative program, which will be published within a few days. Features, as attractive as those of the Legion's Armistice day special numbers, are promised.

A general invitation has been issued to the public to greet foreign-born citizens at the armory on the night of December 21, Marion county, through the efforts of Circuit Judge George G. Bingham and County Clerk U. G. Boyer, stands very high on the list of counties of western states which encourage naturalization work.

Invitations Issued Citizens Americanization day was conceived within the ranks of the local post and so far as is known is entirely original with the Marion county organization.

THEATRE ROBBERS SENT TO PRISON

Printer and Watkins Given Eight Years, and Seredick Seven Years

PORTLAND, Ore., Dec. 12.—Five of the six persons alleged to have been implicated in the looting of the Liberty theater on November 7 when more than \$9000 was stolen, pleaded guilty to the robbery before Presiding Circuit Judge Morrow today. John Printer and Joe Watkins were each sentenced to eight years in the penitentiary, and Leo Seredick to seven years imprisonment on the recommendation of District Attorney Meyers.

Mrs. Clara Printer and 17-year-old son, Andrew, were not sentenced but their cases were continued until Friday, June 30, 1922.

Earl Residence Is Entered by Burglars

When B. L. Earl of 1959 Center street returned to his residence early last night he discovered that thieves had entered the house and had taken portable valuables. Mr. Earl reported to Night Sergeant Ralph Davis.

CALICUTT, British India, Dec. 12.—Eighty-one Moplahs have been killed and 15 made prisoners during a clash with the military near Chervar. The British had one Sapoy wounded.

EVERETT DAVIS IS FOUND DEAD NEAR MOLALLA

MOLALLA, Or., Dec. 12.—Everett E. Davis, 32, a homesteader, was found slain in his cabin near here today. He was an overseas veteran, having served as a lieutenant in the World war.

Indications were that the murder was committed about two weeks ago. His head had been crushed with an ax, which was found outside the house.

Davis' purse, open and rifled, was found on the floor. There were no signs of a struggle and indications were that Davis had been slain as he slept.

A card was found indicating Davis' membership in the Elks' lodge of Helena, Mont. He came here only a few months ago and had made few acquaintances.

Davis Well Known GREAT FALLS, Mont., Dec. 12.—Everett E. Davis, found murdered in his homestead cabin near Molalla, Or., was until the first week in October a traveling salesman for a rubber company in Montana territory with headquarters in Great Falls. A leave of absence from his homestead expired October 12 and it was due to that that he resigned his position and returned to the coast. He had expected to make final proof on his place next spring. Before enlisting in the regular army in 1917, he was principal of the schools of East Helena, Mont.

Committee Described The "committee of 15" was described by a British spokesman as a means to "short circuit" delays. The new committee can reach decisions as to direct recommendations to the conference.

Such action, Great Britain does ever, that the new step was based on an informal communication from the Japanese delegation that Japan stood ready to accept the 5-5-3 ratio subject to certain modifications in detail. It appeared likely that it would become the business of the "committee of 15" to write into treaty form for signature by the five powers the definite agreement based on the 5-5-3 proposal but carried out in detail.

SLAUGHTER'S BIER FLOWER COVERED

One Floral Donation For Slayer's Casket Carries Cost Bill of \$250

LITTLE ROCK, Ark., Dec. 12.—Funeral services for Tom Slaughter, desperado, slain Saturday in Saline county, a few hours after his sensational escape from the state prison here at the head of a band of six men, will be held here tomorrow at 3 o'clock. Burial will be made in a local cemetery.

The body was brought to Little Rock this evening at the request of his wife of Eldorado, Ark., and during the early part of the night was seen by several thousand persons.

The hand's bier was covered with flowers but amidst the flow-ers was not one card; everyone preferred to remain unidentified. One anonymous order received by a local florist called for \$250 worth of flowers and the money to pay for them was sent by a messenger boy.

Following a coroner's inquest this afternoon at Benton, Jack Benton, Jack Howard, the convict who shot Slaughter, was ordered held to the Saline county grand jury on a charge of first degree murder. Howard was returned to the penitentiary.

Capture of the three negro convicts still at large is expected by officers of Saline and Garland counties who have two posesses on the trail of the men.

According to Slaughter's widow, the bandit was only 25 years old. He was born in Louisiana, she said, and is survived by his mother, three sisters, and three brothers.

M'CROSKEY TROTS OUT SOME OF THE HOME BOYS TO TALK

There was a story in the old fourth reader, about the mother bird that raised her family in a farmer's wheat field. Along about harvest time she instructed the kids to rubberneck and pussyfoot around whenever the farmer came near and report what he said. One night the youngsters were in tears. "He said that his neighbors were coming tomorrow to cut down our home!" sobbed the young-suns. "Boosh! That's as good as an insurance policy for us," said the mother. "They won't come!" Sure enough, they didn't. Next day they told the same (Continued on page 2)

NEW MACHINE WILL HANDLE NAVAL ISSUES

Committee of Experts Scrapped and New Board of 15 Will Discuss Reduction of Ships.

JAPAN STANDS READY TO ACCEPT PROPOSAL

British Want Submarine Eliminated, But Will Not Press Point

WASHINGTON, Dec. 12.—(By The Associated Press.)—New machinery to expedite final action of naval limitation agreements was set up today by the arms conference. At the suggestion of the American group, the former committee of experts was "scrapped" in favor of a "committee of 15" including both delegates and civil and naval experts of the five powers. The naval subjects, including the 5-5-3 ratio was turned over to the new committee to be put into shape.

It became known that the Japanese delegation had received instructions from Tokyo regarding the 5-5-3 ratio. The nature of the communication was not disclosed. There were many indications, however, that it marked a long stride toward final acceptance of this vital point.

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The new steps throw into prominence for the first time in the conference, the question of French and Italian place in the naval ratio. That must be worked out by the committee of 15.

Submarine Issue Not Pressed A point particularly stressed by all British spokesmen was the firm conviction that submarines should be abolished as naval weapons. It was asserted, however, that British acceptance of the 5-5-3 ratio was not conditional on such action. Great Britain does hope, however, her spokesman said, for a chance to "state her case to the world" as to submarines before the conference.

The "big three," Secretary Hughes, A. J. Balfour and Admiral Baron Kato met today and are understood to have considered the naval ratio problem but no announcement of what occurred was made.

They will confer again tomorrow and it was regarded as probable that they were shaping up the program for deliberations of the "committee of 15" in the light of the Tokyo instructions to its delegates.

Coming to Head That the Japanese communication was regarded as most favorable to a complete agreement as to naval strength was apparent in both American and British circles. One American official said mat-

(Continued on page 2)