

UNION HIGH SCHOOL AT WOODBURN HELD VOID BY THE COURT

Judge Kelly Hands Down Decree in Celebrated Case Involving Many Districts in Marion and Clackamas Counties—Claims for Tuition Will be Made in Usual Way.

The Woodburn union high school just isn't that's all. Any way Judge Kelly yesterday decided in favor of the plaintiffs in the quo warranto proceedings brought by three property owners of one of the districts included in the union high school district, against the alleged school board, the county boundary board and the county assessor.

Pending the organization of a new union high school district which is being pushed at the present time, the pupils of the alleged union high school district are attending the Woodburn high school. The school board of district 103 is in charge. The members are Thomas Simms, chairman; L. A. Beckman and A. E. Austin.

PROFITS TAX IS DEFEATED AFTER FIGHT

Amendment Proposed By Insurgents Not Supported By Democrats — Would Restore 1921 Law

WASHINGTON, Feb. 23.—The revenue bill without successful assaults in the house today, the most determined attack in the form of an amendment proposing a restoration of the excess profits tax, being defeated 157 to 74.

A stubborn fight for the amendment which would have reenacted the law as it stood in 1921 with slightly different rates, so prolonged consideration of the measure that leaders predicted a final vote on it could not now be expected before the latter part of next week.

Representative Frear republican insurgent, Wisconsin, submitted the amendment and was supported in debate by Representative Oldfield, democrat, Arkansas. Democrats, however, divided on the question only about half of those present voting with the republican insurgents for it.

The estate tax section was taken up but with another fight impending for increase of these rates, final consideration of it was put over until Monday.

Plans Complicated.

Plans of republican organization leaders for any attempt they contemplate to throw out the democratic income rate schedules in the bill when it comes up for a final vote were further complicated today by a development which it was feared might lessen the probabilities of several insurgent republicans joining at that time with the party organization on the vote for a compromise between the Mellon and Garner plans.

Representative La Guardia, republican insurgent, New York who had asked Secretary Mellon for his views on a compromise schedule providing for a 40 per cent surtax rate and a normal rate of 5 per cent on incomes above \$4,000 instead of 6 per cent as carried in the organization measure was informed by the secretary that this plan would not provide sufficient revenue for a bonus.

Mr. La Guardia, who voted for the democratic income rates, had been counted among those expected by the organization to support a compromise. However, Mr. Mellon declared also that neither the Garner schedule now in the bill, the original Mellon rates or those including miscellaneous tax changes reported by the ways and means committee would raise sufficient revenue for a bonus.

THE WEATHER

OREGON: Fair Sunday except rain near coast; gentle variable winds.

LOCAL WEATHER (Saturday)

Maximum temperature, 50. Minimum temperature, 37. Rainfall, none. River, 3.3 feet. Atmosphere, partly cloudy. Wind, southeast.

WOMAN JUROR CHANGES MIND; UPSETS COURT

Couldn't Sleep Because of Having Found for Defendant in Damage Suit

PHILADELPHIA, Feb. 23.—Mrs. Emma F. Ware of this city, today startled the United States district court with the announcement she had "changed her mind" regarding a verdict she had helped to return as a juror.

Yesterday Mrs. Ware signed a verdict in a \$150,000 damage suit brought by heirs of four Pennsylvania crossing victims against the Pennsylvania railroad in favor of the railroad company.

The verdict was reached last night by the jury and sealed, after which the jurors went home. Today, when Judge J. Whitaker Thompson broke the seal Mrs. Ware said she couldn't sleep last night because she believed she voted the wrong way. "I am sorry, but I do not agree with the verdict," she said.

In view of Mrs. Ware's action, Judge Thompson ruled that the original verdict be filed but that counsel for the plaintiffs would be allowed to file a motion to have it set aside.

JUDGES MAY BE FREE FROM TAX

State Constitutional Provision Similar to Federal Organic Law

Judges often are called upon to decide exactly what the law means in the light of certain circumstances, but being by training safe and careful persons, they seldom have occasion to test out the various laws themselves.

Then along came the income tax. A judge being a state officer is required to pay a tax on that income to the state of Oregon just as federal judges are required to pay a tax on their incomes to the federal government.

But a certain federal judge down in Kentucky decided to stand on his constitutional rights at the time the federal income tax law was passed. The constitution of the United States contains a clause providing for a system of judges and says that their salary not be reduced during the term for which they were elected. While admitting that its members were necessarily prejudiced, the United States supreme court passed upon the question and decided that levying a federal income tax on a federal judge's salary was the same as reducing his salary during the term for which he was elected. The supreme court passed on the case, because they said no one else was qualified to pass upon it.

Now Oregon's constitution contains a provision for judges and says that their salary may not be diminished during the term for which they are elected.

Judges elected in the future may have to pay a state income tax, but judges elected before the law went into effect are claiming the case is similar to the federal case, and plan to save that much money.

SEYMOUR JONES IS PRESIDING OFFICER

Marion County Man Attends Special Committee Meeting in Portland

PORTLAND, Ore., Feb. 23.—A tentative hearing was held here today by a special committee appointed by Governor Walter M. Pierce to draft a plan of revision of the state workmen's compensation law now on the statutes of Oregon. Seymour Jones of Salem, presided at today's hearing. Definite action was deferred until April 12, when another meeting will be held. First of the proposals is to require employers to come under the operation of the law. At present this is optional.

The next is to force employers to take out insurance from the state instead of from private companies, to protect their employees. Finally the question of the state paying part of the insurance premium in certain cases is included in the questions to be considered.

OWEN NOT CANDIDATE

OKLAHOMA CITY, Okla., Feb. 23.—Robert L. Owen, democrat senator from Oklahoma, will not be candidate for reelection this year, according to a letter received from the senator today by Governor M. E. Trapp.

Builders of Oregon



I. H. VAN WINKLE

I. H. VAN WINKLE, present Attorney-General of the State of Oregon, was born on Saturday, December 3rd, 1870, on a farm in Linn county, Oregon, near the town of Halsey. The day of the week is mentioned on account of the nursery rhyme which his mother used to repeat to him, a part of which is "Saturday's child must work for his living." He early put this into practical operation by engaging in the work of the farm and at seven years of age began piloting a team in the field during the seeding operations, and regularly continued this healthful exercise interspersed with the other usual farm activities during his growing years, to which he attributes his six feet two inches of stature. During the winter months between the fall and spring seedling he attended the village school at Halsey on an average of three to four months each year. When seventeen years of age, having covered the course of study offered by that institution in January, 1888, he continued his studies at home under the guidance of his last teacher, Col. J. M. Williams, now a leading attorney of Eugene, and took the county school teachers' examination, procuring a teacher's certificate, and began the duties of a country pedagogue, which he pursued during that spring and the preparatory department of Willamette University at Salem. The funds being exhausted at the end of the school year, it was necessary for him to return to teaching school in the country, and after two years he re-entered college at Willamette in September, 1892, where he remained until completion of the preparatory and college courses and graduation with the degree of Bachelor of Arts, in June, 1898. He afterwards pursued the course and graduated from the College of Law of Willamette University, in June, 1901, at which time he was admitted to the bar upon examination before the Supreme Court. During his college course it was necessary for him to earn all of the funds with which to pay his expenses. This he did by janitor and other such work as he could obtain at the University, by working in the harvest fields in summer, and by serving as a deputy county assessor of Linn county, which was still his home, working during the vacation months and sometimes finding it necessary to miss a part of the school year. He also was a member of a surveying party in the mountains during part of one vacation. During his last year in law school he served as an attendant at the Oregon State hospital under Superintendent J. F. Calbreath, where, after the usual miscellaneous service, he was given charge of the receiving ward, which position he held when he left the institution upon his graduation and admission to the bar. Reading law and keeping watch of the patients on the ward at the same time was a valuable experience in concentration.

During his college career he was an active member of the college Y. M. C. A. and took a lively interest in all student affairs, especially in outdoor athletics, being a member of the first football team organized at the University, and manager of subsequent teams, as well as a member of the track teams, which took part in the intercollegiate track meets held at the State Fair grounds in which all of the principal colleges of the state participated, and was general manager for two years and president of the association during his last year. He also took an active part in the debating and other work of the Phi Kappa Literary Society, and, during his senior year, was a member of the debating team of the University and represented the University in the Intercollegiate Oratorical Association.

He worked for the Linn County Abstract Company for a part of the year 1901 and 1902, thus adding to his practical knowledge of land titles. In September, 1902, he was married to Miss Lella V. Parrish, daughter of Dr. and Mrs. W. H. Parrish of Monmouth, Oregon, and began the practice of law with the firm of Carson & Adams at Salem. Mrs. Van Winkle was called

to the life beyond November 29, 1918. Miss Rosalind, their only child, now fourteen years of age, is in high school and is her father's pal.

On February 1st, 1904, he became law clerk and assistant in the office of Attorney-General A. M. Crawford, being the only assistant of any kind in that office at that time, and afterward, when the position of first assistant was created by the Legislature, was appointed to that position, which he held until the 1st of July, 1915. He then engaged in the practice of law in Salem, handling a number of important cases, especially for the State Banking department, Marion county and the city of Salem, as special counsel, and was also Marion county's representative of the State Land board.

In 1910 he received the republican nomination for circuit judge of the third judicial district, including Linn, Marion, Polk, Yamhill and Tillamook counties, but failed of election, Judge William Galloway who was then at the height of his popularity, being re-elected.

When Judge George M. Brown took over the duties of Attorney-General the first Monday in January, 1915, to which office he had been elected, he persuaded Mr. Van Winkle to become his first assistant, but he relinquished his private practice with great reluctance. Judge Brown expressed the thought that Mr. Van Winkle having had so many years of experience in that office, would be the most valuable assistant he could obtain, and after nearly six years of this relation expressed the same conviction.

On October 14th, 1920, Judge Brown assumed the duties of associate justice of the Supreme Court, to which position he had been appointed, and Mr. Van Winkle was appointed by the governor to succeed him as attorney-general, and was elected to that position at the general election occurring in November of that year, which position he has held since.

Beginning about the year 1905 or 1906, Mr. Van Winkle became one of the instructors in the College of Law, Willamette University, continuing as a member of that faculty until this time. In 1913 the board of trustees of the said university elected him dean of the College of Law, which position he still holds. During the years of his connection with the law school, he has had the privilege of seeing it increase in numbers of students and professors and educational standing, the course, by his recommendation, being increased some years ago from two to three years, and the standards of requirements and instruction continually raised and rendered more complete. He has been a member of the Board of Trustees of Willamette University since about 1907, as one of the representatives of the alumni association of said institution, and was for many years secretary of the board.

Fraternally, Mr. Van Winkle is not what is known as a "joiner," having been prevented from taking a very large interest in such matters during his earlier years on account of his strenuous efforts to acquire a general and legal education, and afterward devoting himself to his home life and pursuits. Since assuming the arduous duties of Attorney-General, he has been prevented from being fraternally or socially active by the numerous, important and confining duties of the office.

He has for many years been a member of the Woodmen of the World and United Artisans. Since fifteen years of age he has been a member of the Methodist Episcopal church. He recalls that when he went forward to join the church the minister welcomed him and bade him be a faithful member of the "church militant."

This was a rather large order for the young boy, but afterward in the course of his education he learned that the word "militant" meant "fighting," and so he has been a member of the fighting church ever since, from which we infer that he is always ready to defend what he considers to be right and to insist upon respect for and obedience to the law.

GOVERNOR PIERCE IS OPERATED ON AT LOCAL HOSPITAL

Governor Walter M. Pierce underwent a surgical operation at a local hospital yesterday. Although the governor has been suffering from an ailment diagnosed as gallstones, and although it was stated a few days ago that he might undergo an operation for relief from that ailment, his secretary last night stated that the operation was a minor one and that the governor probably would be back at his office early the coming week. Physicians refused to give out any information as to whether the operation had been performed.

The governor was reported to be progressing favorably last night.

OFFICERS TO BE ASKED OF CONVERSATION

Senate Committee Investigating Oil Scandals Want to Know Everything Slomp Talked About

WASHINGTON, Feb. 23.—A thorough investigation as to what communication administration officials may have had with persons involved in the oil scandal was determined upon today by democrats on the oil committee.

C. Bascom Slomp, secretary to President Coolidge, who accepted an invitation today of Senator Walsh of Montana, to appear before the committee Monday, will be the first witness in this line of inquiry.

H. F. Taff, Washington manager of the Western Union Telegraph company, and Thomas F. Dowd, Washington manager of the Postal Telegraph company, will be additional witnesses. Subpoenas were issued for them today.

Copies Demanded

They will be required to present copies of any telegrams which were sent from Washington to Albert B. Fall and Edward B. McLean, publisher of the Washington Post, at Palm Beach, Fla., between December 20, 1923, and January 20, 1924.

Copies of telegrams sent to Fall at New Orleans also will be called for, and in addition records of any long distance telephone calls made by government officials to Palm Beach while Fall and McLean were there, may be sought.

It was on January 9 that Senator Walsh left Washington for the Florida resort with authority from the oil committee to question McLean as to his statement, transmitted to the committee by telegraph that he had loaned Fall \$100,000. Fall then was at Palm Beach and conferred several times with McLean.

JOHN COOPER, PACKER, DEAD

Man Who Was Guide to Tourists of Nation Dies at Hospital Here

John L. Cooper, 50 years old, who for 30 years has operated a train of pack horses from Detroit, Ore., into the fastnesses of the Cascade mountains, and acted as a guide for hunters and tourists from all parts of the United States, died at a local hospital yesterday. His death was caused by pneumonia following an operation for appendicitis.

Mr. Cooper once lived in Salem, but most of his life was spent at Detroit where he was proprietor of Cascade Inn, besides operating a train of 30 pack horses. At one time he conducted a motion picture expedition from the Clackamas river through the Cascade mountains to the California line in the dead of winter.

Mr. Cooper's packing trips extended to 36 lakes, including Marion, Duffy and Fish lakes. The funeral will be Monday morning at 9:30 from the Webb chapel with interment in City View cemetery. It will be conducted by the Elks. He was a member of the Albany lodge.

He is survived by a brother, J. A. Cooper of Turner, and two nieces, Fay and Oskie Cooper of Detroit.

Governor Pierce is at the Salem hospital, and it was stated there last night that he was resting easily.

The governor was seized suddenly with an attack of his ailment several days ago at the executive offices. A physician was called who removed him to his home. Dr. M. K. Hall of Portland, who has been the Pierce family physician for many years, was called into consultation and he and the Salem practitioners agreed that gallstones was the trouble. It is believed the governor has been afflicted with the trouble for many years, but never severely until recently.

GOLD BEACH MEN RELEASED ON BAIL

Murder Charge Reduced to Manlaughter at Preliminary Hearing

GOLD BEACH, Ore., Feb. 23.—A charge of first degree murder laid against E. E. Neil and Paul Mumpower, state prohibition agents, was reduced to manslaughter today when the two men were called before Judge G. A. Wood for preliminary hearing here. Following the hearing, Neil and Mumpower were held to the grand jury, which is to meet next Monday. Neil was released on bail of \$1,000 and Mumpower on bail of \$4,000.

The charge against the two men grew out of the killing of Lawrence Hare of Brookings, Ore., ten days ago, during a liquor raid. The two agents admitted the killing, but declared they acted in self defense, when Hare was trying to kill them while resisting arrest.

COLLEGE AFFAIR TO BE ANNUAL EVENT

CORVALLIS, Ore., Feb. 23.—

The state educational conference and exposition which closed tonight will be made an annual affair, due to the success of the first one, attended this week-end by nearly 1,000 high school and faculty members, representing 113 Oregon high schools, announced President W. J. Kerr, at the convocation for all college students, faculty members, and visitors in the men's gymnasium today.

Social features today and tonight included the convocation, "Dollars and Sense," a play staged by national college players under the auspices of the household administration department women's gymnasium exhibition, swimming and tumbling events in the men's gymnasium, a wrestling meet with the university of Oregon, and a girls' basketball game between the freshmen and sophomores.

SATURDAY IN WASHINGTON

The house defeated an excess profits tax amendment to the revenue bill.

C. Bascomb Slomp, secretary to President Coolidge, will appear before the senate oil committee Monday.

Senator Robinson, democrat, Arkansas, defended republican senators who have urged the resignation of Attorney-General Daugherty.

The senate judiciary committee ordered a favorable report on a constitutional amendment for inauguration of presidents the third Monday in January.

The shipping board submitted a report to President Coolidge on increases in ocean freight rates which have been opposed by Secretary Wallace.