

**The Weather** —OREGON—  
Rain west, rain  
or snow east, possible, no change in temperature;  
strong east to southeast gales. Tuesday—Max.  
47; min., 38; river, 14.6, falling; rainfall, .36;  
atmosphere, cloudy; wind, northwest.

# The Oregon Statesman

Advertising brings to your home news of con-  
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SEVENTY-FOURTH YEAR.

SALEM, OREGON, WEDNESDAY MORNING, FEBRUARY 11, 1925

PRICE FIVE CENTS

## HOUSE RUSHES APPROPRIATION BILL THROUGH

### Warfare On Governor Pierce Is Continued; State Public Service Commission Pro- vided For

## MEASURE TO ABOLISH COUNTY JUDGE LOSSES

### Bill to Regulate Office De- feated By Vote of 31 to 25 in House

Continuing its warfare upon Governor Pierce, the house today introduced and passed HB No. 419, carrying an appropriation of \$100,000 for the payment of salaries and expenses of the public service commission.

Governor Pierce in his message to the legislature urged the abolition of this commission and it was to give the governor and the legislature an opportunity to settle differences as to how the money should be raised that the bill was rushed. The commission asked \$140,000 in the budget, which was denied. The \$40,000 reduction in the request met with the approval of the joint ways and means committee and the appropriation is \$25,000 under that allowed by the session of 1923.

Two battles were waged in the house yesterday, resulting in the killing of a measure designed to abolish the office of county judge by a vote of 31 to 25 and the passing of a roads and highway measure.

The measure put to sleep may be reconsidered later in the session and sought to transfer the duties of the county judge to the circuit court. The measure, HB No. 25, provided that county commissioners would act as business agents for the county and permit the county clerks signing all but the final papers. The measure was held applicable only to counties with resident circuit judges and would retard the probate work in all others. A motion to place the bill on the table until after the probate code had been considered was lost as was the measure itself when it came up for final passage.

### Highway Bill Opposed

Consolidation of HB Nos. 19 and 59 as HB No. 413 and introduced by the committee on roads and highways was bitterly opposed by Representative Bennett, of Multnomah county, upon the

## TUESDAY IN WASHINGTON

The house passed the postal pay and rate increase bill.

The senate ratified the German commercial treaty with reservations.

A break developed in the house ranks of the La Follette insurgents.

Robert Levy resigned as United States marshal at Chicago and Palmer L. Anderson was named for the place.

Hearings were held before the senate and house agricultural committees on farm relief legislation.

Senator Smith of South Carolina urged repudiation of recommendations for retention of Pullman surcharges.

President Coolidge is opposed to abandonment of the flexible provision of the tariff act.

President Coolidge accepted an invitation to speak at the Norse-American celebration at St. Paul and Minneapolis, June 8.

A resolution declaring naval officers did not appear before it under restraint was adopted by the house naval committee.

The recent typhoid outbreak in several large cities was said by the public health service to have been caused by shell oysters distributed by a single producer.

The house passed the Strong bill to facilitate rediscuss of cooperative marketing paper and the Parnell bill extending federal aid to agriculture experiment stations.

## Supreme Court Opinion Reverses Phez Demands on Loganberry Growers

Loganberry growers are relieved of all liability for failure to deliver upon contracts, in a decision handed down by the supreme court Tuesday which reverses the Marion county court in its decision upon the suit of The Phez company, and also modifies the decree as concerns the Salem Fruit Union. The growers are entirely relieved in connection with The Phez company, while the fruit union is liable to a penalty of 10 cents per crate for each crate which it failed to deliver to The Phez company. The Salem Fruit Union acted as an agent.

The decision holds that the third contract, who succeeded the original Phez company, and growers connected with the Salem Fruit Union was not made for the benefit of the plaintiff.

"Although a new contract was prepared and the subject of negotiations between the Northwest company and the union for nearly a year, it was never completed or executed," the decision points out. Controversy over the contracts, begun eight years ago, is now definitely settled and litigation for the last six years completed. The first trial was held in 1919 when the fruit union refused to deliver and suit instituted by The Phez company.

On appeal, The Phez company won out and the lower court was directed to take an accounting of berries grown and not delivered, and to assess damages in favor of the plaintiff for the difference between the contract price and the market value of the berries.

In the second trial, covering the situation, judgment was held against each defendant as directed. These judgments totaled \$130,000 and varied from \$100 to approximately \$9,000. From this judgment the case went back on appeal to the supreme court.

The opinion was written by Justice Bean, with Justices Brown and Burnett concurring. Justice McBride, in a dissenting opinion, holds to the opinion he wrote when the case first came before the supreme court.

Three other minor opinions were handed down Tuesday.

## POSTAL RATE BILL PASSED

### Kelly Measure to Increase Pay of Post Office Work- ers Passes House

WASHINGTON, Feb. 10.—Without a record vote the house today passed the Kelly postal pay and rate increase bill and sent it to the senate which already has passed on a somewhat similar measure only to have it turned back by the house as infringing on its exclusive prerogative to originate revenue producing legislation.

Brought up under a special rule which limited debate to less than two hours, barred amendments from the floor, and required a two-thirds majority for passage, the measure was approved in about two hours without a record vote. It would raise \$1,000,000 in revenue, about twice as much as the senate bill—and fall short by only \$7,000,000 of the sum estimated to be required to meet postal employees' salary rates which it would make available from January 1, 1925.

Representative Moore, republican, Ohio, who reported the bill, emphasized that the right of free distribution for newspapers and publications in the counties in which they are printed and published is not disturbed by this bill.

Elisha Hanson, Washington representative of the American newspaper publishers' association in a statement tonight reiterated the contention that there was "no sound reason for the present paying users of the mails to be called upon to pay the increased postage provided in the bill which passed the house today unless it be the

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## CHAPIN IS WINNER IN ORATORY MEET

### Senior at Willamette Takes First Place for Second Year Running

Leland T. Chapin by winning the tryout held in the Willamette chapel last night, won the right to represent Willamette university at the state old line oratorical contest to be held some time this spring. The title of Mr. Chapin's oration was "The Greater Justice."

Ward B. Southworth won second place in the tryout with his oration "From Falling Hands," and Ponciano Tuanio, with his oration "Writing on the Wall," won third place.

The decision was rendered on points won, Mr. Chapin having 92, Mr. Southworth 90 and Mr. Tuanio 80. The judges of the tryout were Professor Sherman, Professor Riddell, and Attorney Ray L. Smith.

This is the second consecutive year that Mr. Chapin has won over Mr. Southworth by a very small margin. Last year Mr. Chapin not only won the Willamette tryout but the state contest as well. Mr. Chapin is a senior in Willamette, and a member of the Kappa Gamma Rho fraternity.

## GERMAN PACT IS RATIFIED

### Commercial Treaty Favored By Senate; Reservations Written In

WASHINGTON, Feb. 10.—The German commercial treaty was ratified today by the senate with reservations, understood to be not acceptable to the state department. The principal reservation would reserve to congress the sole authority to put into force preferential tariff duties in favor of American shipping at any time within one year after exchange of ratifications.

Another would reserve to both nations the right to control immigration and was made necessary because of the enactment of the immigration restriction law after the treaty was negotiated in December, 1923.

Ratification was without a record vote and was preceded by only brief discussion, the reservations having removed objection.

The reservation relating to preferential tariffs was a substitute for the one suggested by Secretary Hughes and approved by the foreign relations committee. Under its provisions, the president alone could have abrogated those sections of the treaty preventing discrimination by either nation in favor of its shipping through tariff duties.

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## ACTION ON FARM MEASURES SLOW

### Leaders State Agriculture Relief Bills May Require Extra Session

WASHINGTON, Feb. 10.—Although the house moved swiftly today to carry out at least some of the recommendations of the president's agricultural commission, senate leaders still were doubtful that much, if any, of this legislation could be enacted at this session.

With practically no discussion and without record votes the house put through the Strong bill designed primarily to aid cattle raisers and the Parnell measure granting federal aid to agricultural experimental stations.

At the same time Chairman Hagen of the house agriculture committee conferred with committee members and the president's commission with reference to the drafting of a bill embodying its recommendations of government aid in the cooperative marketing movement.

In advance of these developments, the house committee continued and the senate committee inaugurated hearings on the commission's recommendations.

B. F. Youker, chairman of the Farmer-to-Consumer league, assisted the recommendations before the house committee while William M. Jardine, a member of the commission, explained to the senate committee the principle underlying them.

Mr. Jardine was subjected to

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## COOLIDGE TO CURB EXPENSE IN CEREMONY

### Inaugural to Be Unpreten- tious; Economy Is Key- note in Plans of President; Money Returned

## PRECEDENT TO BE SET IN SIMPLE SERVICES

### Over \$100,000 in Pledges Are Released; Address Will Be Short

WASHINGTON, Feb. 10.—Calvin Coolidge's ideas on economy were made applicable today to the ceremonies of his inaugural as president of the United States.

Having found Mr. Coolidge unrelenting in his desire for a simple and inexpensive inaugural, the Washington inaugural committee composed of business men of the capital at a meeting today rescinded virtually all of the appropriations made for the unofficial part of the ceremonies and voted to release from payment subscription pledges amounting to \$100,000.

Contrasted with inaugurals of a decade or more ago when the unofficial part of the ceremonies represented sums running into several hundreds of thousands of dollars, the Coolidge inauguration to office promises to involve a local cost of probably less than \$500.

Erection of stands at the capitol where official ceremonies will be held, will cost about \$35,000 but that will be provided for by congress. Plans abandoned today included preparations for construction of a court of honor along Pennsylvania avenue in front of the White House, the erection of stands elsewhere along the same avenue and an evening display of fireworks on the Mall.

Mr. Coolidge's insistence that the inaugural parade be held to units of the army and navy stationed in the vicinity of Washington and to such governors of states as desire to come with their staffs numbering not to exceed 100, led to the abandonment of local plans.

Mr. Coolidge has started work on his inaugural address and his present plan is to make it brief. He has chosen as his model in that respect the first inaugural address of President Cleveland, which required about 15 minutes for delivery. Survey of the field to be covered, however, may lead to the inclusion of so many subjects as to make it much longer than he desires it to be.

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## INSURGENT GROUP WILL PROTEST BAN

### Question of Reading La Fol- lette Bloc Out of Republi- can Party to Be Decided at Caucus

## SINCLAIR WILL ATTEND MEET UNTIL VOTED OUT

### Radical Bloc May Enter GOP Lines By Renouncing La Follette As Head

WASHINGTON, Feb. 10.—The question of reading the La Follette insurgents out of the republican ranks promises to come squarely before the caucus of the house republicans called for Feb. 27.

This was clearly indicated today when Representative Sinclair of North Dakota, one of the dozen insurgents not invited to the caucus, announced that he proposed to attend the session and remain until "voted out."

The Sinclair statement gave rise to speculation as to the possibility of a break in the ranks of the house insurgents and was accompanied by rumors that Representative Lampert of Wisconsin and others might follow his example.

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## Brutality in Prison Detailed; Man Forced to Dig His Own Grave

AUSTIN, Texas, Feb. 10.—Mrs. J. E. King, chairman of the state prison advisory board, today told the legislative committee investigating prison conditions of the three-year fight she had waged against alleged brutality and graft in Texas penal institutions. She told an amazing story of prison deaths, neglect of sick prisoners, harsh and cruel treatment by guards and doctors, and general inefficiency in the system.

The death of Frank Chance, a native of Chile, said to have been shot to death by guards on one of the prison farms, as described by Mrs. King, set the committee members aghast. It was charged Chance had been compelled to dig his own grave. Mrs. King declared the man was murdered in cold blood and that she had tried in vain to obtain the discharge of one of the guards, who was charged with complicity in the case.

Mrs. King said she received a letter from Chance, asking her to come to the prison and save him, because he feared he was to be killed. According to the letter, the guards had taken Chance out

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## STUDENT NOT HELD IN CASE

### Louis Fish Is Declared Not Implicated in Mysterious Poisoning

COLUMBUS, Ohio, Feb. 10.—(By The Associated Press.)—With the release late this afternoon of Louis Fish, 19 year old Canton, Ohio, student at Ohio State university, City Prosecutor John J. Chester, investigating the mysterious deaths of two university students by strychnine poisoning, announced that Fish was not implicated in the affair and that he had been the victim of unfortunate circumstances.

Fish admitted to authorities last night that he had entered the university dispensary without authority and obtained capsules, supposedly containing quinine for his friend, David Puskin, in an effort to save him a few cents by not getting them through the regular channels. Puskin died from strychnine poisoning.

Authorities are satisfied Fish obtained the capsules from the bottle supposed to contain nothing but quinine and that he had nothing to do with the strychnine capsules which are believed to have been put in the quinine bottle.

How the strychnine capsules came to be in the quinine bottle is still a mystery.

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## RESCUERS ARE NEARING GOAL; HOPE IS HELD

### Floyd Collins to Be Reached Soon, Reports Indicate; Few Feet of Sand Strata Is Barrier

## WORKERS RENEW HOPES AS SHAFT NEARS MAN

### Condition of Prisoner Not Known; Physician States He Is Alive

CAVE CITY, Ky., Feb. 11.—(By AP.)—Rescuers early today believed they were only a few feet from a sand strata or tunnel in which they can dig their way to Floyd Collins, the imprisoned cave man, in short time.

A small cleft around the 49 foot mark was too narrow to pursue and digging through the bottom of the rescue shaft is the program.

Several hours digging will be required to reach the soft strata previously indicated between 40 and 45 feet below the surface by the diamond drill, and along which the rescuers expect to work their way into Collins' cavern.

Fumes Are Evicted  
Strong fumes of benzene oil tonight came through the bottom of the rescue shaft boring down toward Floyd Collins' prison and officials in charge of the work had strong hopes of finding a tunnel or crevice through which they might reach the imprisoned man by dawn tomorrow.

M. E. S. Posey, secretary of the state highway commission and the engineering representative of Governor Fields, said the banana odor became apparent when the shaft reached 37 feet and now was much stronger. He said the odor was so strong that he is convinced the shaft is within ten feet of its goal.

Shaft Timbers  
Another section of timbering was to be finished by 10 o'clock tonight and then the rescuers will follow the banana oil seam which comes from a mud seam in the hope of reaching the entombed cave explorer before dawn.

At 11 o'clock tonight considerable progress had been made in the side of the tunnel through the mud seam through which the banana oil odor was drifting, and those in charge of the rescue effort felt that Collins would be reached in a few hours.

May Strike Tunnel  
H. T. Carmichael, in charge of the shaft operations, indicated he believed that the shaft was nearing an underground drain or tunnel, which might lead to Collins' tunnel. The bottom of the shaft at midnight tonight had reached a sandy stratum through which the banana oil odor came strongly, but the direction from which it came was difficult to determine.

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## FORESTER MAY CALL SHUTDOWN

### Sawmill Operations Can Be Suspended On Order; Many Bills Are Passed

Under provisions of HB No. 347 passed Tuesday, the state forester is authorized to suspend sawmill operations in times of drought and when the atmosphere is such as to constitute a menace to standing and young forests. The measure was endorsed by the Spaulding Logging company and other similar concerns.

Two measures approved yesterday raise filing fees and were introduced upon the request of the county clerks' association of the state. HB No. 342 raises the fee

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## BANKING MEASURE PASSES IN SENATE

### Revised Banking Code Bill Said to Work to Interest of Depositors

Declaring that the revised banking code bill, passed by the senate yesterday, will work for the interest of the depositors, Senator Butler, chairman of the banking committee, summed up his explanation with the statement that the bankers of the state are agreeable to the measure, which places considerable more power in the hands of the state bank superintendent.

The bill came up at 11 o'clock, under special order of business, and was debated briefly. In speaking against the measure, Senator Joseph stated that he was not in favor of placing so much power in the hands of the superintendent. He especially objected to the clause providing that the directors and cashiers may be removed at the discretion of the bank department.

According to provisions in the bill, the bank superintendent is held responsible for every bank failure. Senator Hare stated that the only time officers of banking institutions could be removed was when it was found that they were handling affairs in a reckless manner, or were incompetent or dishonest.

Those voting against the measure were Senators Brown, Joseph, LaFollette, Taylor, and Zimmerman.

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## WHEAT MARKET IS SWAMPED Under Deluge of Selling

### CHICAGO, Feb. 10.—In a storm of selling orders today the wheat market found itself swamped. Proposals to prevent big fluctu- ations in price led to apparently the very thing which it was de- sired to avert, and under a deluge of selling the market suddenly sank to \$1.52 1/4 a bushel May delivery, 7 3/4 cents below yester- day's latest figures. Wheat seem- ed to pour into the leading pit continuously throughout the day, and notwithstanding liberal buy- ing which at times developed, the close was only a fraction above the bottom level reached.

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## BOARD WILL ASK BIDS FOR SCHOOL

### Old Washington Building to Be Placed on Market in Near Future

To sell or not to sell, is the proposition before the school board regarding the old Washington school building and grounds. Active steps have been taken by various interests towards buying the property. Following the appearance of a prospective bidder, who estimated the old building and grounds to be worth about \$10,000, action was taken to place the premises upon the open market.

A motion was passed for bids on the building to be advertised in the Salem papers. The school board is to have the privilege of accepting or rejecting the bids as they see fit. Action is to be taken at the next regular meeting, and the bids to be opened at that time.

Although the plans are not perfected, bids will be received on the property as a whole, on the building alone, or for the ground which the building is located upon.

Several interests in Salem have been surveying the property and it is expected that keen competition will be shown when the property goes upon the active market.

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## ALIEN LAW CHANGED

### WASHINGTON, Feb. 10.—By a vote of 215 to 58, the house late today passed and sent to the sen- ate a bill making sweeping changes in the deportation laws.

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