

# The Oregon Statesman

SEVENTY-FIFTH YEAR

SALEM, OREGON, FRIDAY MORNING, JANUARY 22, 1926

PRICE FIVE CENTS

## OPPONENTS TO COURT ARE HIT

### War Is Inaugurated by Administration Leaders When Agreement Fails

## TAX REDUCTION TABLED

### Program to Slice Revenue Remains on Calendar While World Court Is Argued by Senate Leaders

WASHINGTON, Jan. 21.—(By Associated Press.)—A war of attrition on opponents of the world court was begun today in the senate. The campaign was inaugurated by administration leaders after negotiations looking to a consent agreement for a time to vote had failed with the two sides so far apart that their conversations were regarded by each as useless.

A seven-hour session of the senate tomorrow was arranged for with indications that even longer hours would follow in the effort to wear down the opposition and bring about a vote at an early date.

While this warfare is being waged the \$352,000,000 tax reduction bill remains on the senate calendar. It became involved in the court row and proved one stumbling block in the way of an agreement for a vote on the resolution of adherence to the Geneva tribunal.

Refusal of the anti-court forces to agree to any definite date for a vote on the resolution of adherence proved the main obstacle in the negotiations which were begun late yesterday. Pre-court leaders were insistent that a date be fixed.

Chairman Smoot of the finance committee sought to get an agreement for a vote on the revenue measure not later than February 12, this agreement to be predicated upon the laying aside of the world court under a definite understanding for a time to vote on it.

Senators opposing repeal of the inheritance tax and those opposing repeal of the income tax publicly refused to agree to any date for a final vote on the tax measure. They have predicted a long fight over these two questions.

Apprehensive of a coalition of the anti-court forces and those in opposition to those features of the tax bill, administration leaders decided to inaugurate the war of attrition on the court issue.

Opponents of American adherence to the Geneva tribunal were able to hold the senate floor continuously today with the employment of only two speakers, Senator Reed, democrat, Missouri, and Harrell, republican, Oklahoma.

Gaining recognition immediately upon the convening of the senate at noon, Senator Reed spoke three hours. When he yielded the floor he announced that he would resume the argument as soon as his engagements would permit.

## WILL VISIT HOLY LAND

### OVER 500 ARE MAKING PILGRIMAGE TO PALESTINE

NEW YORK, Jan. 21.—(By Associated Press.)—The steamship Republic of the United States lines sailed from Hoboken today with 519 passengers bound for the Holy Land on an inter-denominational pilgrimage. Many of the passengers had mortgaged their possessions to pay the fare for the trip, which will take fifty days.

Bottles were carried by the passengers to bring back water from the Jordan river. The pilgrimage is sponsored by the Christian Herald.

Letters and telegrams from all parts of the country poured into the pilgrimage headquarters when the trip was announced. One man wrote saying he had made up a poem on each of the important events of the Bible. He wanted to sing the verses about Jonah and the whale at the precise spot in the ocean where the whale is said to have swallowed Jonah, he wrote. He was aboard when the boat sailed.

## MERGER ANNOUNCED

ATLANTA, Ga., Jan. 21.—Merger of the Georgia Railway & Power company with the South-eastern Power & Light company of New York was announced here today by H. M. Atkinson of the Georgia company.

## Williams Election Null Declares C. B. Phillips

### Attorney Protests Against "Practice Which May Sow Seeds That May Germinate in Grave Abuses" in Letter Addressed to The Statesman

At its meeting on Monday, January 18, Fred A. Williams received a majority of votes of city councilmen to elect as city attorney of Salem. Following the election, Mr. Williams offered his resignation as alderman, withdrew to the office of city recorder and took the oath of his new office. According to a statement made last night, Mr. Williams received his certificate of appointment on January 19, the next morning, Tuesday.

On Wednesday, January 20, it was learned and announced in this paper yesterday that Chris J. Kowitz, former city attorney, had declared the election of his supposed successor illegal, on the grounds that the city council has no authority to appoint one of its own members to office.

Validity of the election is now the point around which controversy turns, rather than the personalities, or policies of the men concerned. Distinct belief that the election was illegal, is voiced in the following letter, addressed to The Statesman, by Clarence B. Phillips.

January 21, 1926.

To the Editor: I read an account in your paper of recent date that the common council of the city of Salem appointed to the office of city attorney one of its own members. I have known the vicissitudes surrounding the political career of the member in question for some time past, but I wish this communication in no way to be interpreted as an objection to said member on personal grounds, or to reflect upon the motives which actuated the common council to make this selection, but to voice my protest against a practice which may sow seeds that may germinate in a system of selection with a potential for grave abuses.

In the field of administrative law it is "Hornbook Law" that the appointive power cannot be exercised to gain personal advantage, that is to say, one in whom the appointive power is vested cannot appoint himself, as such an appointment is against public policy and void. The point is too obvious to need elucidation, and the courts of our own state passed upon this very question in 2 Ore. 246. Perhaps the leading case in this country on the point is 197 N. Y. S. 789.

Suppose our Honorable Mayor had the power to appoint a city attorney or a city engineer, or any other officer, then, under the above authority, it would be illegal for the Mayor to appoint himself to any of these offices. Now, suppose, for the sake of argument, that the common council has power to appoint to office men to fill 15 positions, can they elect each of their members successively to fill each position? If they can elect one of their members to fill one position, I submit that they can elect another member to fill another and so on until the 15

positions are filled. It is not until the 15th position is filled that the common council is prevented from electing another member to fill another position.

It is recommended that a county organizer be elected. The county fair was endorsed. The public market was discussed. Officers elected are as follows: L. H. McBee of Dallas, president; Cleve Powell of Falls City, vice president; E. A. Tedrow of Monmouth, secretary and treasurer; I. G. McBee of Dallas, conductor; G. B. Jones of Monmouth, doorkeeper; Glen De Haven of Dallas chaplain; Mrs. G. B. Jones of Monmouth, Mrs. Floyd Senter of Dallas and A. G. Rempel of Dallas members of the executive committee.

T. J. Aisip of Dallas was named as county organizer. It was announced that the state convention is to be held at Monmouth in May. L. H. McBee was appointed chairman on arrangements by State President Egbert. The next quarterly meeting is to be held with the Bridgeport local in April.

## MUSIC TEST UNDER WAY

### PRELIMINARIES ARE GIVEN; FINALS ON TUESDAY

Preliminaries in the Music Memory Tests taking place in the fourth, fifth and sixth grades of Salem schools, occupied a portion of yesterday and will be continued today. Approximately 2,500 children are taking part, in a contest supervised by Gretchen Kraemer, superintendent of music in grade schools, and sponsored by H. L. Stiff company and Moore's Music House.

On the outcome of preliminary tests a Victrola will be given to the school with the highest score. Tuesday, approximately 250 survivors of the preliminary tests will meet in the high school auditorium at 2:30. On the outcome of the finals four prizes will be awarded for each of the three competing grades, a Victrola, and \$10, \$5, and \$3 in Red Seal Victor records.

## DEATH CLAIMS VETERAN

### COMPLICATION RESULT FROM ATLANTIC TRAGEDY

PORTLAND, Ore., Jan. 21.—(By Associated Press.)—Philip Wetmore of The Dalles, who was one of the soldiers on board the Tuscania when that vessel was torpedoed in 1917 by a German submarine, died at the United States government hospital here yesterday. The man's death resulted from complications growing out of the hardships which he endured while floating about in the icy waters of the Atlantic for 24 hours before he was picked up. After being picked up the boat which rescued him was wrecked on the coast of Scotland and he barely managed to drag himself

## FAVORS CUT IN AUTO LICENSES

### Sam Kozer, Secretary of State, Recommends Lower Rate for Auto Tags

## COUNTY OFFICERS MEET

### General Convention in Portland Addressed by State Officials; Pierce Outlines Flax Work

PORTLAND, Ore., Jan. 21.—(By Associated Press.)—Secretary of State Kozer in addressing the combined sessions of the judges, county commissioners, district attorneys and sheriffs of Oregon here today went on record in favor of a reduction in the price of auto license fees in Oregon, especially on used cars.

"To grant this relief," said Mr. Kozer, "will not materially impede the present road program and if it does it will not be to any extent and will be only during the first year these license fees take effect."

Governor Pierce told the gathering of the progress in development of the flax industry in the Willamette valley, following the initial experiments at the state penitentiary.

The governor said that the wave of crime throughout the country should not be blamed on prohibition. Other causes, he said, included increasing use of autos, the extension of easy credits that lure young people to extravagance in dress and habits, and the general relaxation of parental rule.

Stanley Myers, district attorney of Multnomah county emphasized the influence that county judges and commissioners might wield in preventing the passage of had and unnecessary laws, and urged that their influence be exerted toward preventing unsatisfactory legislation.

County judges and commissioners, district attorneys and sheriffs will hold individual meetings tomorrow to adopt resolutions and elect officers.

## OREGON PIONEER DIES

SPOKANE, Jan. 21.—Charles T. Jennings, 71, retired farmer and pioneer of Oregon and Washington, died here today. Mr. Jennings moved to Rosalia, Wash., from Eugene in 1879. He retired several years ago and has lived here the last few years.

## JUDGE M'MAHAN REMITS WAGNER JAIL SENTENCE

### LIQUOR LAW VIOLATOR ESCAPES TERM ON APPEAL

### Six Months' Sentence in County Jail Eliminated in Circuit Court

Bitterly criticizing the actions of prohibition officers, Circuit Judge L. H. McMahan yesterday eliminated the jail sentence imposed on B. W. Wagner, liquor law violator, when the case was heard before him on an appeal from the justice court. A sentence of six months in the county jail and a fine of \$500 had been imposed on Wagner by Brazier C. Small, justice of the peace, when Wagner appeared before him after being arrested for selling liquor. Wagner was arrested by R. E. Amy, state officer, after he had sold a gallon of liquor to the officer.

After appealing his case to the circuit court, Wagner entered a plea of guilty to the charge when he appeared before Judge McMahan. The state made an offer of evidence to attempt to show that Wagner's was an aggravated case, that his reputation was bad and that he had been engaged in liquor operations for some time past, and that officers had received many reports concerning violations attributed to the defendant. Judge McMahan refused to receive the evidence, saying "I want no rumors. These reports bandied around by stool pigeons are not very reliable."

The state denied that they were introducing any evidence from stool pigeons, declaring that R. E. Amy who made the arrest, carried a state commission and bore an excellent reputation.

"Hasn't this witness just stated that he bought liquor from the defendant, and isn't that what we commonly understand a stool

## RECORD COW ANNOUNCED

### CANADIAN MILK PRODUCER SAID TO SET NEW MARK

ARMSTRONG, B. C., Jan. 21.—(By Associated Press.)—With a record of 14,935.2 pounds of milk and 869.41 pounds of butterfat for the 305 day period ending January 20, Pretoria Oxford Janet, owned by Foster Whitaker of Armstrong, has not only captured the world's four year old Jersey record but has also passed the record of five year old cows.

The figures will have to be submitted to Ottawa before becoming official.

The four year old record formerly was held by St. Mawes Pretty Lady, owned by L. C. Daniels, Oregon, with 12,657 pounds of milk and \$27.90 pounds of butterfat, and the five year old record holder was Lulu Mary of Ashburn, owned by J. M. Dickson and son, also of Oregon, with 14,619 pounds of milk and 844.64 pounds of butterfat.

## TO ADD PRINT PAPER; BELIEF

### Change in Control of Oregon Pulp & Paper May Increase Products

## F. W. LEADBETTER BUYS

### Desires to Purchase Remainder of Common Stock, Offering \$125 Per Share, or \$25 Above Par, Report

Distinct possibility of the manufacture of news print paper in Salem is seen behind the purchase by Major F. W. Leadbetter, Portland organizer, of controlling interest in the Oregon Pulp & Paper company of Salem.

Throughout its phenomenal growth, the Oregon Pulp & Paper company, whose first car was shipped September 30, 1920, has used only the sulphite processes and the addition of the wood pulp process necessary for the manufacture of news print paper has been contemplated for some time.

Major Leadbetter secured control through the purchase of stock of E. S. Collins of Portland, of C. K. Spaulding of Salem, and desired to buy out all other common stock holders, having offered \$125 a share, par value being \$100. He declares his willingness to pay one-third cash, one-third in six months and the last third within 12 months, interest on deferred payments at 6 per cent.

Of the \$2,100,000 in capital stock of the company, \$800,000 is preferred. It is believed that Collins held approximately \$600,000 in common stock, Spaulding about \$100,000, with additional heavy stockholders.

Major Leadbetter is reported to have sold his holdings in the Crown-Willamette Paper company for \$1,400,000. He is also a stockholder in the Western Paper Converting company, organized in part, to turn into finished paper products a portion of the paper output of the Oregon Pulp & Paper company.

Being a stockholder at the same time in two other mills, one at Los Angeles and another at Vancouver, it is considered probable that activities will be closely linked. He is understood to be controlling owner of both.

Major Leadbetter has refused to commit himself definitely for the time being, though addition of news print paper equipment here is considered probable. The Oregon Pulp & Paper company is considered one of the best investments on the coast.

Last year it paid 6 per cent dividends on common stock, the preceding year it paid 12 per cent, the difference being due to a material reduction of the company's indebtedness.

## FAVOR GOODING MEASURE

### SENATE COMMISSION REPORTS FAVORABLY ON BILL

WASHINGTON, Jan. 21.—(By Associated Press.)—A favorable report was ordered today by the senate interstate commerce commission on the Gooding bill which would prohibit the present practice of the railroads charging a greater freight rate on a short haul than on a long haul.

The measure is designed primarily to stop what is described as discrimination against the intermountain territory in favor of the Pacific coast territory by the transcontinental carriers in their effort to meet water competition from the Atlantic to the Pacific via the Panama canal.

An identical bill was passed by the senate at the last session, 54 to 53, but was shelved in the house interstate commerce committee.

## SEVERE COLD IS FELT

### ROCKY MOUNTAIN STATES SEE NO SIGNS OF RELIEF

DENVER, Colo., Jan. 21.—(By Associated Press.)—The Rocky Mountain region was promised little immediate relief from the biting cold that has prevailed during the last 24 hours by the weather bureau tonight. Although little snow fell throughout the region during the day the forecast issued an "unsettled and continued cold" warning.

Snow flurries were reported from northern Wyoming, Montana and parts of Utah with the lowest temperatures from the eastern Dakotas and moving still further eastward.

## TWO INDICTMENTS FOR SLAYING FACE GUNMAN

### MARTIN J. DURKIN WILL APPEAR IN COURT TODAY

### Clarence Darrow Approached to Appear in Defense of Young Bandit

CHICAGO, Jan. 21.—(By Associated Press.)—Which of two murder indictments the state will select as the basis of its demand for the death of Martin James Durkin, automobile thief and pistol fighter, will be decided upon his arraignment tomorrow morning before Judge Harry B. Miller of the criminal court.

One of the true bills alleges the murder of Edward C. Shanahan, federal department of justice operative and the other the slaying of Harry Gray, Chicago detective sergeant. Durkin admitted promptly upon his capture at St. Louis yesterday that he killed the United States officer but thought he was a bandit attempting to obtain \$2000 Durkin carried. He blamed nervous Chicago detectives for slaying Gray as they did Lloyd Austin, uncle of Durkin's sweetheart, Betty Werner, in whose home the police laid a trap for Durkin which failed.

The decision to arraign Durkin tomorrow and choose the indictment best fitted to halt his criminal career by the noose, was the result of a day of activity in the state's attorney's office.

Durkin, his young bride, until a few weeks ago Irma Sullivan, 18, of Cornell, Ill., and Betty Werner, Durkin's former sweetheart, were questioned in the state's attorney's office but the examinations brought forth no revelation.

Durkin was removed from a police station to the county jail this afternoon just before his attorney filed a petition for a writ of habeas corpus to take him out of police hands.

It also was stated that it was planned to seek writs for the release of Durkin's wife and Miss Werner who are held in technical custody.

Attorneys representing Durkin began plans for his defense today. Clarence Darrow, noted criminal lawyer, said he had been approached with regard to defending Durkin, but hesitated to take the case at his advanced age because it involved so much work.

Durkin's lawyers filed a petition for a writ of habeas corpus to have Durkin turned over to the sheriff and taken out of the hands of the police and also for the release from custody of Durkin's wife and of Betty Werner.

Durkin was turned over to the county jail authorities while the hearing on his writ was in progress and it was continued until tomorrow.

His wife was released from custody and went with her parents to the home of relatives, promising to come to the state's attorney's office if desired.

Miss Werner refused to leave the custody of the state's attorney, declaring she was remaining voluntarily.

## TO COMPLETE HIGHWAY

### THE DALLES - CALIFORNIA ROUTE TO BE FINISHED

PORTLAND, Jan. 21.—(By Associated Press.)—Two contracts, the last needed to complete The Dalles-California highway from end to end were ordered advertised for the February 25 meeting by the state highway commission meeting here today. These obligations of surfacing the approaches to the Crooked river bridge, the latter structure now being built. All the remainder of this long highway, which stretches from the Columbia river to the Oregon-California state line is now completed, or under contract. With the two surfacing jobs let in February, the highway will be finished, bridge included, this year.

## LAUDS RUBBER INQUIRY

### FOREIGN MONOPOLY PROBE SAID WELL DIRECTED

WASHINGTON, Jan. 21.—(By Associated Press.)—Secretary Hoover's action in bringing about an inquiry into foreign crude rubber monopolies was defended in the house today by Representative Tilson of Connecticut, the republican leader who replied to a number of recent attacks on the secretary by democrats. Hardly had Mr. Tilson concluded, however, before two democrats again took occasion to assail the secretary's course.

Mr. Tilson described the secretary's action as a "well directed effort" to protect the rubber industry from higher prices. He conceded that American business men might have shown more foresight in developing a supply of rubber, but asked if this "is any reason to fold our hands."

## 18 COMMUNITY GROUPS ELECT

### Marion County Federation Names Lloyd T. Reynolds as President

## REPORTS ARE PRESENTED

### Gathering Last Evening Reported To Be Largest Ever Held by Organization in Five Years Existence

At the annual meeting of members of the Marion County Community Federation, held last evening at the Chamber of Commerce, Lloyd T. Reynolds was elected president, J. O. Dixon of Scotts Mills, vice president and W. W. Fox of Hayesville, secretary and treasurer.

With representatives from 18 communities in the county, the auditorium of the Chamber of Commerce was taxed to its capacity, the meeting last evening being the largest ever held by the federation since its organization five years ago.

From all communities came reports of federation members being real service to their communities. Among the reports were the following:

Aurora: Planning for a scutching plant and general interest in the growing of flax.

Hubbard: Planting of trees on the city streets and boosting for the mineral springs, where a new hotel has been recently erected.

Silverton: Planning for a new hotel. During the past year, interested in the building of a good road to Silver Creek Falls. This year, hoping that the road may be made passable through the Waldo hills district so that the loop to the Silver Creek Falls through Silverton will attract tourists. Silverton is also interested in a scutching plant.

Turner: Just recently organized a community club. People showing interest in flax growing and in increasing the acreage and production of pickles.

Scotts Mills: Announce that the community is getting out some fine advertising. Also interested in the travel to Willhoit springs.

Liberty: During the past year, community provided hot lunches for the school children.

Sunnyside: Planning to do additional work in improving its school stage and also in adding equipment to its school kitchen.

Salem Heights: Has found its meeting of such interest and so well attended that the community is preparing to enlarge its community hall.

Rosedale: Going strong for prunes and loganberries this year. The community is interested in the installation of a new water system in its schools.

Lalish Center: Is preparing a big advertising that will make known to the world the fact that Lalish center is the onion center of the United States.

Hayesville: Boasts of one of the most modern and best equipped rural schools in the county. Lloyd Reynolds, the newly elected president of the federation, is from Hayesville.

West Stayton: Says it can produce more beans to the acre than any other district. This past year, one acre produced eight and one

## METAL PROCESS FOUND

### ALLOY WITH IMBEDDED COLORS IS NOW ANNOUNCED

BERLIN, Jan. 21.—(By Associated Press.)—The discovery of a method for alloying aluminum with other metals, which will produce materials for automobile bodies which will not show any scratches and will have both color and finish "built in" is claimed by B. Jiroka, a German electrical engineer. He has demonstrated his discovery to a commission of metallurgists of the German Institute of chemical technology.

He is said to have made alloys of aluminum and more than a dozen other metals, producing materials of many different colors, the color varying with the metal used for the alloy. These alloys have a surface resembling glazed porcelain.

The bureau for aluminum research reports that the alloying metals penetrate aluminum bars to a depth of four-tenths of an inch.

Aluminum alloys made by Herr Jiroka include those with copper, manganese, cobalt, zinc, lead, tin, chromium, gold, silver and nickel.

