

Circulation
Average for 1920, 5250.
Population of Salem 1900, 4258;
1910, 14,094; 1920, 17,679.
Marion County 1920, 47,177; Polk
county, 14,131.
Member of Audit Bureau of Circulation.
Associated Press Full
Leased Wire.

Capital Journal

The Weather
OREGON: Tonight and Tuesday
rain west, rain or snow east por-
tion; strong southeasterly winds.
LOCAL: Rainfall, .08; southerly
winds; cloudy; maximum 49, Mini-
mum 37; set 40; river 4.3 feet and
rising.

Salem, Oregon, Monday, January 31, 1921

Price Three Cents

Conviction of Berger and Four Others Reversed

Court Says Landis Not Fair Judge

Washington, Jan. 31.—Conviction of Victor L. Berger and four others, members of the socialist party for violation of the espionage act, was reversed today by the supreme court on the ground that Judge Landis should not have heard the suit after his eligibility had been attacked.

Those convicted with Berger in the federal court at Chicago were Adolph Germer, national secretary of the party; William F. Kruse, editor of the young socialist magazine; J. Louis Tngdahl and Irwin St. John Tucker.

Prejudice Charged. Berger and the other four convicted under the section prohibiting attempts to cause insubordination and disloyalty in the naval and military forces. Sentences of from ten to twenty years imprisonment were imposed.

The appeal was brought to the supreme court on the ground that Judge Kenesaw Mountain Landis had shown "personal bias and prejudice" against the defendants because of their nationality.

Justice Day, who filed a dissenting opinion, held, however, that the mere filing of an affidavit should not be accepted as sufficient evidence of the unfairness of the judge.

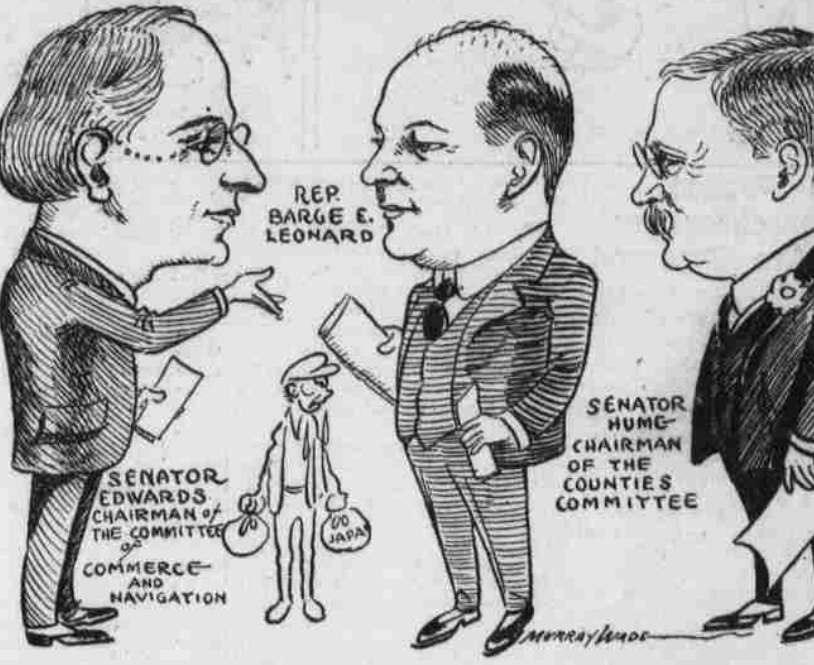
Justice Day, who filed a dissenting opinion, held, however, that the mere filing of an affidavit should not be accepted as sufficient evidence of the unfairness of the judge.

The majority opinion held that Judge Landis himself was not qualified in passing upon the affidavit.

Justice Day, who filed a dissenting opinion, held, however, that the mere filing of an affidavit should not be accepted as sufficient evidence of the unfairness of the judge.

Conviction Stands. Washington, Jan. 31.—Conviction by court martial of Alexander John, Donald Fisher and Robert L. Leeson on charges of murder committed while they were inmates of the federal prison at Leavenworth, was upheld today by the supreme court. Decrees of lower courts dismissing writs of error sought by the three men were affirmed.

Sidelights On The Senate and House



New System Proposed for Redistricting

Bill Suggests Senator From Each County and Representatives by Population

A senator from every county in the state and a house membership based strictly upon population is contemplated in a joint resolution which now resides in the inside pocket of a member of the house from eastern Oregon and which is said to meet with the approval of his colleagues from that side of the Cascades.

Seen In The Crimelight

Washington, Jan. 31.—The Commonwealth National bank at Redsville, Va., a village 100 miles from here, was robbed of cash and securities totalling \$119,000 and then set on fire, according to reports received today by the Washington police department.

Detroit, Mich., Jan. 31.—Three detectives were shot and seriously wounded today by three bandits who held up and robbed the Morton Bond company's offices in the public square downtown.

Cleveland, Ohio, Jan. 31.—Miss Gretchen Brandt, 37, was found beaten and stabbed to death today in her room at the home of her brother-in-law.

Federal Troops Stand Guard At Murder Trial

Williamson, W. Va., Jan. 31.—Federal soldiers and deputy sheriffs were hurried into the mountains surrounding Williamson today at the sound of rifle firing.

Intense excitement prevailed for a time but the presence of a company of the Nineteenth United States Infantry calmed the fears of those professed to believe that an attempt would be made to rescue the twenty-one men on trial here for the Matewan shooting.

The excitement had died down and the detail of soldiers had returned to their quarters here when Judge R. D. Bailey opened the fourth day of the trial.

In the court house were 200 additional veterans ready for examination.

Answer Filed In Suit of The Silver Falls Co.

Claiming that it has been damaged to the extent of \$112,723.92 by the failure of Silverton Lumber company to unload cars of logs during the period between July 30, 1915, to December 1, 1915, the Silver Falls Lumber company filed an answer to the complaint in the suit now awaiting settlement here.

The original complaint of the Silverton Lumber company asks judgment of the court for over \$100,000 from the Silver Falls Lumber company for alleged non-delivery of logs from a designated section of timber. Logs, however, were delivered to the mill, but were of such poor quality that the lumber company lost money in handling them.

Lost Woman Is Found On Sheep Ranch

Police Discover Mrs. Witherall a Captive In Small House But Unharmed

Los Angeles, Cal., Jan. 31.—Mrs. Gladys Witherall, who disappeared from her home here last Tuesday, was found early this morning, a prisoner in a small house on a sheep ranch eight miles east of Corona in Riverside county about 70 miles southeast of Los Angeles according to telephone messages to the Associated Press.

Mrs. Witherall was unharmed. Two men arrested.

Two men who gave their names as Al and Floyd Carr, cousins, were arrested.

The discovery of Mrs. Witherall and the arrest of the two Carr men were effected by Los Angeles police and deputy sheriffs who started for Los Angeles with the woman and the two men.

The officers said the Carrs confessed that they had ill feeling toward the woman's father-in-law, A. J. Witherall, because of a transaction involving a boat, and that they kidnaped Mrs. Witherall both to obtain ransom and ransom money, of which it was said, they had demanded \$2000.

ADD ONE—LOST WOMAN Phone Girl Responsible. A telephone operator's quick wits led to the discovery of Mrs. Witherall and the Carrs' arrest.

The operator received a call for the residence of O. S. Witherall and delayed making the call until the police had been sent to the nearby station where they arrested J. C. Carr just as he was concluding a delayed conversation which he had promised in a letter sent them Saturday.

The police said they found chloroform and other articles in his automobile they believed had been used in deceiving the woman from home.

Confession Reported. At the police station, A. J. Carr, it was said, confessed that he had spent Saturday night outside of Los Angeles afraid to communicate with the Witheralls as he had agreed by letter. Floyd Carr, according to the confession of his cousin, was the leader in the kidnaping.

The police said A. J. Carr told them that Floyd went to the Witherall home last Tuesday night and told Mrs. Witherall a friend had been injured in an automobile accident and was calling for her.

Floyd Carr, according to the police, escorted her to an automobile where A. J. Carr was waiting. When she became suspicious the two men chloroformed her. They took her to a small house on a sheep ranch and put her in a room with only a cot and two blankets.

Mrs. Witherall told the men who rescued her the men bought her candy and treated her "with every respect."

Officers Raid Shanty. The police and Mrs. Witherall's husband and father started for the kidnaping house at 2 o'clock today, prepared for any emergency.

The officers surrounded the house and after closing in on it smashed the door and windows. A man said to be Floyd Carr was caught off his guard and handcuffed.

Commutation of Sentence of Eugene V. Debs Recommended

Washington, Jan. 31.—Commutation of the sentence of Eugene V. Debs, effective next February 12, has been recommended to President Wilson by the department of justice, it was learned today at the White House.

WILSON REFUSES TO COMMUTE SENTENCE. Washington, Jan. 31.—President Wilson refused today to commute the ten year sentence imposed upon Eugene V. Debs for violation of the espionage act.

Commutation of Sentence of Eugene V. Debs Recommended

Washington, Jan. 31.—Laws of Alaska imposing taxes on by-products of the herring fishing industry were upheld today by the supreme court.

Washington, Jan. 31.—Reduction of the navy's enlisted personnel to a maximum of 100,000 men as compared with a present possible maximum of 143,000 is provided for in the naval appropriation bill to be reported to the house tomorrow.

Washington, Jan. 31.—The appeal of Judge Ben B. Lindsey of the Denver juvenile court from conviction on charges of contempt of court, was dismissed today by the supreme court.

Marion, Ohio, Jan. 31.—H. C. Forry, Marion county treasurer, today confessed, police say, that he embezzled approximately \$15,000 while serving as treasurer and deputy treasurer and that he staged a fake holdup last Wednesday to cover a theft of more than \$14,000 which he expected to use in making good his shortage.

Washington, Jan. 31.—Walter W. Warwick of Ohio, now comptroller of the treasury, and Evaris A. Hayes, a former republican member of the house of representatives from California, were nominated today by President Wilson to fill the vacancies existing in the directorate of the war finance corporation.

Washington, Jan. 31.—The republican petition for cloture of the emergency tariff bill was presented today in the senate by Senator Penrose, of Pennsylvania, in charge of the measure, after Senator Pomerene, democrat, Ohio, had objected to the proposal to vote by unanimous consent on February 15.

Expected Battle On Port Bills Fails To Break This Morning

Both branches of the legislature convened Monday at 11 o'clock after the recess from Friday. The Port of Portland fight scheduled for the senate was postponed until 2:30 o'clock this afternoon and both houses spent the morning on routine, principally the second reading of the bills introduced Friday. A number of new measures were presented in both houses.

The only bill passed by the house was H. B. 57, by Representative Walter G. Lynn of Multnomah county. It provides means for the nomination and election of some person to fill a vacancy for an unexpired term and the ensuing term in an office at the same time.

In arguing for passage of the bill, Lynn called attention to the fact that twice in Oregon history has the lack of such legislation affected election of United States senators, separate persons having to seek the short or unexpired terms and others the full term.

H. B. 49 was indefinitely postponed in the house today following acceptance of the majority committee report adverse to the measure which provided for assessment and taxation of transient livestock.

H. B. 156, by Overturn, 116 and 104 by Korell were withdrawn by their authors as was H. B. 235 by Hyatt.

The emergency clause is attached to a bill introduced in the house this morning by Representative George W. Hyatt of Union and Wallowa counties, eliminating the clause providing that no bond issue shall bear a greater rate of interest than 6 per cent per annum, nor shall any bonds authorized by the state be sold for less than par value.

The latest move on the lines of prohibition laws at a salary of \$4000 a year and travel expenses of \$1000 a year is to have power, with the consent of the governor, to appoint deputies to receive and to exceed \$2500 a year. The bill appropriate \$5000 to carry out its provisions.

Resistance Short Lived. "Don't hurt me," she cried. "I haven't done anything. I am Mrs. Witherall and I want my baby. Please take me away from here, if you are a friend."

Roads Held Near Bankrupt

Attorneys Say Wage Must Be Cut Working Agreement Abrogated

Jan. 31.—Bankruptcy of the railroads of the United States unless they are assured means for a reduction in expenses, the railroad law was told today by the Board of Railway Executives.

W. W. Atterbury, chairman of the labor committee of the board, said the labor committee made the proposition that the federal government should guarantee the railroads that if there were an abrogation of the war-time agreements involving rates and conditions, they would seek a reduction of basic rates for at least three months.

The order becomes effective, the interval would be used to the efficiency of economies might be instituted free of limitations of present rates.

It is, however, it was stated, would be used for a reasonable wage if the cost of the road is to be cut and where rates may be reduced.

Measures of immediate relief were asked the board to meet the agreement on the basic rates of unskilled labor to 45 cents an hour, and that this was a high rate that was being paid other than that it operated to the advantage of their employ-

Old Scale Sought. It was proposed that rates be reduced in effect for 31, 1919, to re-establish conditions not now existing with present operating rates. It has no prospect, even their bare operations, said General Atterbury, leaves them without a dollar and unable to meet their charges.

It is that the emergency clause as an advance in passenger rates or a cut in operating expenses, the board can prevent bankruptcies.

Atterbury said, by declining national agreements, rates of the war period are being maintained, that the question of economic and financial conditions shall be left to the negotiation between the railroads and their employees, and the basis for such negotiations shall be the war-time agreements, rules and conditions in effect on or about August 31, 1919, to be re-established.

War Measure Sought. National agreements, rules and conditions in effect on or about August 31, 1919, to be re-established.

It is that the emergency clause as an advance in passenger rates or a cut in operating expenses, the board can prevent bankruptcies.

Atterbury said, by declining national agreements, rates of the war period are being maintained, that the question of economic and financial conditions shall be left to the negotiation between the railroads and their employees, and the basis for such negotiations shall be the war-time agreements, rules and conditions in effect on or about August 31, 1919, to be re-established.

It is that the emergency clause as an advance in passenger rates or a cut in operating expenses, the board can prevent bankruptcies.

Atterbury said, by declining national agreements, rates of the war period are being maintained, that the question of economic and financial conditions shall be left to the negotiation between the railroads and their employees, and the basis for such negotiations shall be the war-time agreements, rules and conditions in effect on or about August 31, 1919, to be re-established.

Man Made His Home In City Jail

Sent to Poor House

Chief of Police Moffitt, proprietor of a local rooming house, has lost one of his most regular guests.

Almost every evening for several weeks Desk Sergeant Davis greeted at the city jail had permitted William E. McIntyre, address unknown, to place his signature on the register.

Saturday Officer Porter took Mr. McIntyre before County Judge Mackay. After an interview, Mr. McIntyre was committed to the county poor farm.

Maine Governor Called by Death

Augusta, Me., Jan. 31.—Theodore H. Parkhurst, governor of Maine, died today. He failed to recover from a diphtheria infection under the tongue, with which he was attacked three weeks ago.

He was in the hospital at Portland, Maine, where he had been since late last night when he took ill and became unconscious. Death followed today.

Autos Damaged In Crash Here Today

A radiator was bent and two fenders were mashed when an automobile driven by C. F. States, route 5, and was piloted by W. P. Davis, collided at the corner of State and High streets this morning, according to the police.

States was moving east on State and Davis was traveling south on High street when the crash came. Nobody was injured in the collision, according to the police.

Man Made His Home In City Jail

Sent to Poor House

Chief of Police Moffitt, proprietor of a local rooming house, has lost one of his most regular guests.

Almost every evening for several weeks Desk Sergeant Davis greeted at the city jail had permitted William E. McIntyre, address unknown, to place his signature on the register.

Saturday Officer Porter took Mr. McIntyre before County Judge Mackay. After an interview, Mr. McIntyre was committed to the county poor farm.

Question of Salaries Of District Attorneys Presages Stiff Fight

Over the state division of the salaries of district attorneys in some of the poorer counties are reduced as \$500 per year under the provisions of the house bill which proposes to increase the salaries in Lane and Marion counties to \$2000 per year and that for Multnomah county to \$5000.

This move, however, by no means finds favor from legislators from eastern Oregon where most of the proposed salary cuts would fall and another county move is now on foot which contemplates a minimum of \$100 per month for the smaller counties and a maximum of \$200 per month in the case of the larger counties.

The question which presents itself to the legislators is not so much that of holding down salaries as that of arriving at an equitable basis for the entire state.