

Capital Journal

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THE WEATHER
OREGON: Tonight and Sunday rain west, snow east portion, moderate southerly winds.
LOCAL: Rainfall .01; southerly winds; cloudy; max. 39, min. 31, river 3 feet and falling.

CIRCULATION
Average for December 5613.
Population of Salem, 1900, 4258;
1910, 14,084; 1920, 17,679.
Marion County, 1920, 47,177; Polk County, 1920, 14,181.
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FORTY-FOURTH YEAR—NO. 18

SALEM, OREGON, SATURDAY, JANUARY 21, 1922

PRICE TWO CENTS ON TRAINS AND NEWS STANDS FIVE CENTS

DEATH TAKES POPE

ALLEGED PARDON IS SEEN

Paper Byron Claimed Kept Him Immune From Court Action Is Shown Jury

Portland, Or., Jan. 21.—The jury card which Carlos L. Byron, ex-convict and timber land promoter, carried in his pocket and which John W. Todd, Salem school superintendent, declared to be as good as a pardon was shown to the federal court jury here this morning by Carl E. Webb, Salem undertaker. Webb told the jury that Byron told him no court in the land would ever get him as he was the man who had given Admiral Dewey the location of the Spanish fleet in Manila harbor. Webb was one of Todd's witnesses. He testified to buying three claims on Byron's representations. One of his prospective claims had been patented several years previous, the prosecutor proved. C. M. Shumway, superintendent of schools at Vancouver, Wash., E. W. Meyers and T. E. McCroskey of Salem were character witnesses.

Directed Verdict Refused.

Todd was given a set back in his fight against the government Friday afternoon, when Judge Bean refused to grant the request of his attorneys for a directed verdict. Todd had hoped for a directed verdict, and thus escape the possibility of having to tell his story to a jury for the second time. Judge A. L. Miller, Todd's attorney, argued that when Todd took the checks mentioned in the indictments to the bank and cashed them he ceased to have dominion or any interest in them. "Todd had nothing to do with the check the moment it was turned over to the bank," said Judge Miller. "He was not responsible for it passing through the mails. Use of the mails must be proved to be part of the scheme. The most that can be said is that Todd had a legal liability by endorsing the checks, but all control over them passed from him when he surrendered them to the bank."

Humphreys Disagrees.

United States Attorney Lester W. Humphreys disagreed thoroughly with Judge Miller. "Banks do not buy out of town items," he said. Judge Bean upheld the United States attorney in his opinion. The government completed its case about 4 o'clock Friday afternoon. After the motion for a directed verdict was disposed of the defense requested postponement of the trial until today, alleging it had not anticipated the government would rest so suddenly, and had failed to subpoena witnesses for Friday. The judge indicated a desire to have Todd take the stand and let the other witnesses follow, but finally consented and adjourned court.

(Continued on Page Nine.)

Pope Benedict Untiring Worker For Peace During Years Of World War

Pope Benedict XV, the 259th successor of St. Peter as supreme head of the Roman Catholic church, began his pontificate September 6, 1914, soon after Europe entered upon its first years of war. Upon many occasions during the war he endeavored to bring the belligerent nations to a peace government, thus to maintain the title which had been affectionately bestowed upon him by a high dignitary of his communion as "a messenger God sent to bring peace."



POPE BENEDICT

The war between Italy and Austria, in both of which peoples of the Catholic religion predominate, was particularly a great sorrow to the pope. Those near to him said he deprecated the German violation of Belgium. When the Lusitania was sunk he telegraphed to the then Emperor William his abhorrence of a deed which had shocked the world.

BOUNDARY QUESTION SETTLED

Ulster Frontier Determined by Agreement and South Ireland Boycott Ended

London, Jan. 21.—(By Associated Press.)—Sir James Craig, the Ulster premier, and Michael Collins, head of the provisional government for Ireland, formed under the Anglo-Irish treaty issued a joint statement this evening announcing an agreement regarding the question of the boundary between Ulster and southern Ireland. The agreement, it is announced, also provides for the cessation of the southern Ireland boycott against Belfast and the return of the Catholic workmen to the Belfast shipyards. The Collins-Craig agreement likewise provides that the two governments of northern and southern Ireland desire a more suitable system than the proposed "council of Ireland" for dealing with problems affecting the whole of Ireland.

Foster Fined \$50 For Being Drunk

Chester Foster of this city was sentenced to pay a fine of \$50 when he pleaded guilty to a charge of being drunk and disorderly before Police Judge Earl Race this morning. When Foster explained that he had no money with which to pay a fine he was lodged in the city jail. He was arrested by officers last night.

Ring was placed upon his finger, announced the pope's plan for a Christmas truce was falling "because of the opposition of a certain power." Reports were that Russia and Turkey had refused to acquiesce. Along a thousand miles of battlefield, the following (Continued on Page Seven.)

Cardinal Gasparri, Papal Secretary Is Probable Successor

Washington, Jan. 21.—In the speculation as to who will be the successor of Benedict, the most prominently mentioned is the papal secretary of state, Cardinal Gasparri whose election would represent an endorsement of the policy by him and by Benedict in the last seven years during the grave period of the world war.

Housekeeper For Arbuckle Victim Heard

San Francisco, Jan. 21.—Mrs. Kate Hardebeck, former housekeeper for Miss Virginia Rappe, motion picture actress, was the first witness today in the second trial of a manslaughter charge against Roscoe C. (Fatty) Arbuckle in connection with Miss Rappe's death.

Four Subpoenaed In Roger Trial; Starts Monday

Motion to subpoena four additional witnesses in the case of William Rogers indicted on the charge of assault with intent to kill W. W. Birchett, Salem police officer, has been filed in the circuit court by District Attorney Carson. Carson asks that Mrs. Samath Baker, Mrs. Millie Lee and Rev. I. G. Lee be called to testify to circumstances attendant the actual commission of the crime charged in the indictment and committed about a month and a half ago. Miller Hayden, Salem police officer, is subpoenaed to identify the revolver said to have been used by Rogers when he attacked Birchett when the latter interferred in a family row and at the request of Mrs. Rogers. Two days will be devoted to the case. Selection of the jury starts Monday at 10 o'clock. Three cases have been set for Wednesday on the court calendar as follows: Northcut vs. Cooley, Klosterman vs. Wolfard and Cooley, and Lathrop vs. Faught.

RICKARD HELD FOR ASSAULT

Famous Boxing Promoter Arrested On Complaint Involving Relations with Girls

New York, Jan. 21.—Tex Rickard, boxing promoter, today was arrested on a charge of criminal assault made by the children's society on the complaint of a 15-year-old girl. Two other girls were held as witnesses. It was learned that a bench warrant had been issued yesterday afternoon. Hearing of it this morning Rickard promptly surrendered himself in West Side court with counsel. He was held in \$1000 bail, for examination January 25.

Widow To Be Given Big Award

The largest award ever made from the Oregon workmen's compensation fund was made by the industrial accident commission this morning when it set aside \$16,478.81 to cover compensation for Gertrude E. Ward, widow of Christopher Ward, and eight children under the age of 16 years. The compensation will be paid in monthly installments aggregating \$94 of which \$30 is the widow's share and \$64 for each of the eight children. The legislation of 1921 removed the restrictions limiting maximum awards in fatal cases to \$50 a month and under the present law compensation is paid on each dependent under the age of 16 years, regardless of the number.

Former Resident of Salem Is Killed by Car in Portland

John Grant, a well known resident of Salem in the eighties, was killed yesterday morning on Front street, Portland, near the Crown flour mills, where he was employed as head miller, according to word received here today. He was knocked down and run over by two freight cars which were being shunted across the street. Mr. Grant was walking along Front street and essayed to cross the pavement when the car struck him. A switchman saw Grant and shouted a warning which, apparently, was not heard. Mr. Grant was caught under the first car and was dragged about 30 feet. The body was badly mangled. While in Salem Mr. Grant was employed as a miller in the old brick mill which, years ago, was located on North Front street. He was 56 years of age.

Special Mass To Be Said Here for Dead Pope

A solemn requiem high mass for the late holy father Pope Benedict will be observed at St. Joseph's Catholic church in Salem next Friday morning at 9 o'clock, according to an announcement made this afternoon by Rev. J. R. Buck. Everyone is cordially invited. Other masses will be observed during the week as usual. The announcement of the solemn mass was made this afternoon as soon as the death of Pope Benedict became known.

Booze Costs Polk Farmer Heavy Fine

Dallas, Jan. 21.—Sheriff John W. Orr, accompanied by deputies Rae Craven and Oliver Chase, made a raid on Jack Senebly's place 1 1/2 miles west of Salem last evening about six o'clock and brought home a small still as well as some moonshine. While deputy Craven went to the barn to attempt to buy some eggs from Mr. Senebly, the sheriff and Mr. Chase searched the premises, finding a still and several bottles of moonshine. When Senebly came to the house from the barn and the sheriff asked him for a drink, he protested that he had nothing but cider but the evidence was presented to him and then he admitted that he had made the moonshine but for his own use. They brought Senebly to Dallas and returned this morning and made further search which netted ten gallons of wine and about one hundred empty bottles. Senebly is a man 64 years of age, of Swiss-German descent, and when brought before justice of the peace, Ed F. Coad, admitted that he had sold a little of the moonshine to some friends. The still was made of copper and was made out of an old fire extinguisher. This he placed on his cook stove for the purpose of making the moonshine from prune mash. He was fined \$150 and costs.

PONTIFF BREATHES LAST DURING LATE AFTERNOON HOURS

Fight of Earthly Ruler of 300,000,000 Catholics for Life Ended; Rallies From Sinking Spell Early This Morning and Takes Nourishment at Noon; Relapse Comes Suddenly

London, Jan. 21.—(By Associated Press.)—Cardinal Bourne's secretary announced this evening that the announcement of Pope Benedict's death authorized by a member of the cardinal's staff this afternoon was a mistake, and that no official news of his holiness' death had been received.

Rome, Jan. 21.—(Reuters)—Pope Benedict died late today.

Bulletins from the sick room of the pontiff were eagerly scanned by throngs outside the Vatican, but none gave ground for hope that the prelate would rally from the sinking spells which mark the progress of pneumonia. Members of the sacred college remained in the ante-room of the sick room during the night, while physicians and members of the pope's family were in attendance. Immediately after the morning consultation of his physicians, the pope had a quiet spell. His respiration was less irregular and after he had expressed a desire to rest, he turned on his side and fell asleep immediately. The physicians were surprised at this turn in the case, and thought there might be some hope for his holiness, if he were able to sleep three or four hours.

Mrs. Wurtzbarger Will Be Taken to Colorado Prison

Portland, Or., Jan. 21.—(Special)—Colorado state penitentiary was today designated as the institution of confinement for Mrs. Alma Louise Wurtzbarger, Salem killer, after word had been received from Attorney General Daugherty stating that the Oregon prison was not available. Permission to remain in Portland over Sunday that she may see her daughter was granted Mrs. Wurtzbarger by United States Marshal Hotchkiss. Regulations require that a woman guard be sent with each woman prisoner, and it is believed that Miss Martha Randall, of the women's protective bureau, with A. Lee Morelock, deputy United States marshal, will leave for Canyon City with Mrs. Wurtzbarger on Monday.

Household Articles and Money Cause of Local Law Suit

Two feather beds, three bedsteads, two springs, five pillows, one phonograph, 55 chickens and one dresser, with two sums of money, one amounting to \$135 and the other \$527, figure in the suit brought by Allan Bynon, administrator of the estate of Alfreda Badorick, and ad item guardian of her heirs, against Michael Nichols filed in the circuit court. The complaint charges that the defendant has taken possession of the property named and refuses to give it up. Also that the money was paid by one of minor heirs, of which there are four, for some unnamed purpose. The estimated value of the household articles is \$302 and the plaintiff asks judgment for \$974.50.

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