

**CIRCULATION**  
Average for February 5671.  
Population of Salem, 1900, 4258;  
1910, 14,694; 1920, 17,879.  
Marion County, 1920, 47,177; Polk  
County, 1920, 14,181.  
Member of Audit Bureau of Circulation, Associated Press Full  
Leased Wire.

# Capital Journal

**THE WEATHER**  
OREGON: Tonight and Wednesday rain; moderate southwesterly winds.  
LOCAL: Rainfall .03; southerly winds; cloudy; max. 58, min. 41; river 7.6 feet and rising.

FORTY-FOURTH YEAR—NO. 68.

SALEM, OREGON, TUESDAY, MARCH 21, 1922

PRICE TWO CENTS ON TRAINS AND NEWS STANDS FIVE CENTS

## LIFE TERMER SHOT TO DEATH AT STATE PEN

### MAY VOTE ON BONUS THURSDAY

#### Hughes Denies Agreement Exists for Future Cooperation With Great Britain

Washington, March 21.—The soldiers bonus bill will be taken up by the house Thursday under suspension of the rules under a plan agreed upon today at a conference between Speaker Gillett and Chairman Campbell of the rules committee.

The speaker, it was said, has agreed to entertain a motion to suspend the rules. Mr. Campbell said he would call a meeting of his committee tomorrow at which he will ask committee members to report a rule designating Thursday as suspension day with a provision that four hours debate on the bill shall be provided.

#### Need Two Thirds

Under this procedure a two-thirds majority would be necessary to pass the bill. No amendments would be permitted nor would it be possible to make a motion to recommitt the measure. Those in charge of the legislation were confident that it would receive more than the two-thirds majority. They expected the vote to come before adjournment Thursday after two hours of discussion on each side.

#### Effort to Protect Friend Results In Defender's Death

Nashville, Ark., March 21.—The police today were searching for masked men who late yesterday shot and killed Walter Gibbs, 25 years old, as he attempted to protect Joel Harris, about 60. Harris was taken outside of town and whipped severely after the killing of Gibbs.

#### McCredie Claims New Baseball Not So Good As Old

Stockton, Cal., March 21.—Walter McCredie, manager of the Seattle club of the Coast league, is the first manager to complain about the new rubber-center baseball which have been adopted for this year. Last year the league used a ball with a cork center, but this was thrown out as being too lively.

"These balls are not exactly fitted for our purposes," McCredie said. "Maybe we haven't the best grade of ball or maybe the skin diamond here is to blame. The balls seem bigger and dead."

### Playgrounds Held Need; Probe Asked By Council; Conference Is Due Soon

At the regular meeting of the city council last night it became apparent that several interests in Salem, including the Rotary club, the Salem Woman's club and members of both the council and the school board, are anxious to determine if it will be feasible to establish one or more children's playgrounds in the city.

A motion put by Alderman John Giesy last night that the committee on public works be instructed to confer with the Salem Woman's club and the city park board with a view to devising ways and means to establish one or more playgrounds in the city, and to report back to the council as early as possible, carried without a dissenting vote.

Today it was said that one of the proposed playgrounds might be located in the oak grove, owned by the city, north of 12th street, between Capitol and Union streets.

"The Salem Woman's club believes that the oak grove would be an ideal location for a playground," Mrs. W. E. Anderson, president of the club, said this morning. "Investigation has shown that equipment could be purchased for about \$600 and this, of course, would be quite

### Burnett, McCourt And Rand Are Again To Be Candidates

The formal declarations of George H. Burnett, John McCourt and John L. Rand as candidates for the republican nomination for justices of the supreme court were filed with Secretary of State Kozler this morning. All three are now members of the supreme bench, Burnett presiding as chief justice and McCourt and Rand occupying seats on the bench as associate justices.

Burnett in his slogan declares for "just administration of the constitution and laws without fear or favor."

McCourt's slogan reads: "Present to the people the best of the law." Burnett's slogan reads: "Present to the people the best of the law."

The three platforms are identical, all pledging the candidates to the constitution of the United States and the constitution of the state of Oregon and to the duties of a justice of the supreme court of this state according to the best of their abilities.

Burnett became a member of the supreme court on January 1, 1911, and is now serving his second term as chief justice. He was born in Yamhill county, May 9, 1853.

McCourt was appointed to the bench by Governor Olcott in October, 1921, to succeed Justice Charles A. Johns, who had resigned to accept a position on the supreme bench of the Philippine island.

Rand is also an appointee of Governor Olcott, taking his seat on the supreme bench October 19, 1921, as the successor to the late Justice Henry L. Benson.

### Government Must Refund Huge Amounts

#### Washington, March 21.—Millions of dollars in income taxes collected by the government must be refunded, according to an interpretation by Internal Revenue Collector Blair of the supreme court decision in the case of Sme-tanska, collector, against the First Trust & Savings bank of Chicago, officials said today.

The supreme court held that income held and accumulated by a trustee for the benefit of unborn or unascertained persons was not taxable. The bureau, it was explained, had been holding such income taxable and as such cases generally involved large estates. It was believed that the refunds made necessary would run into millions.

### Accessories of Cars Stolen By Youth, Is Claim

A youth, about 18 years old, who gave his name as Johnny Shaffer, was arrested last night by State Officer Dave Brown and was today charged with larceny of auto accessories. This morning he was held in the Marion county jail and this afternoon he will be arraigned before Judge G. E. Unruh in the justice court.

Shaffer, according to officers, makes his home at Woodburn and is a Hungarian. Today he stoutly denied that he knew anything concerning the thefts of which he is accused.

Officers claimed that young Shaffer stripped one car completely and sold its tires and accessories.

### "Dubs" Wins Draw from Bob Dawson

"Dubs" Mulkey, Menmouth boxer, and well known to Salem ringside fans, was given a draw in the fight with Bob Dawson of Eugene, at the smoker held Saturday night at Sutherlin.

Dawson was recently handled by Carl Miller of Eugene, who Mulkey defeated some time ago in a smoker here.

### Is Candidate



Justice John McCourt

### ATTACK ON TREATY IS RESUMED

#### Speaker Agrees To Entertain Motion To Suspend Rules; Four Hours for Debate

Washington, Mar. 21.—Presentation in the senate today of a letter from Secretary Hughes denying flatly that any secret agreement exists for future British-American cooperation, led today to another effort by opponents of the four power treaty to send it back to committee. The effort brought on a warm debate.

The secretary's letter, characterizing suggestions of such an agreement as "absolutely false" was laid before the senate by Senator Lodge, the republican leader and member of the arms put into the record a telegram delegation who at the same time from Paul D. Cravath, New York attorney, denying the accuracy of a statement on the same subject attributed to him by Senator Borah, republican, Idaho.

Reiterating a denial made in a former communication that any secret agreements existed with other powers in connection with the arms conference, Mr. Hughes wrote in today's letter that he hoped to see no "further aspersions upon the veracity and honor" of the American delegates.

"The text of Secretary Hughes' letter, which was addressed to Senator Lodge, follows:

"My dear senator: I notice that the latest charge in the course of the debate over the four power treaty is that there is a secret agreement or understanding between this government and Great Britain with respect to Pacific matters. Any such statement is absolutely false. We have no secret understanding or agreement with Great Britain in relation to the four power treaty, or any other matter.

"In my letter to Senator Underwood on March 11th in relation to the four power treaty, I said: 'There are no secret notes or understandings.'"

"Permit me to express the hope that the American delegates will be saved further aspersions upon their veracity and honor."

"Charles E. Hughes."

Mr. Cravath's telegram embodied the statement issued by him last night in New York, in which he declared the words attributed to him in the statement read by Senator Borah in the senate yesterday were either inaccurately quoted or did not correctly convey his meanings. Referring to a passage in which Mr. Borah quoted him as saying he had been told of the "understanding" by every member of the American delegation, Mr. Cravath said he had in fact never talked with any delegates on any subject "remotely resembling" the alleged international agreement.

### HANGING LEGAL IN OREGON

#### Supreme Court Denies Writ of Habeas Corpus to Kirby; Holds Statute Valid

The validity of the capital punishment act is upheld by the Oregon supreme court in an opinion handed down this morning affirming the decree of Judge George G. Bingham of the Marion county circuit court denying a petition for a writ of habeas corpus for the release of Elvie D. Kirby, from the Oregon penitentiary where he is held under sentence of death for participation in the murder of Sheriff T.H. Taylor of Umatilla county.

The validity of the Oregon capital punishment act was attacked by attorneys for Kirby on the ground that it was a violation of the bill of rights, from which, it was contended, no privilege heretofore granted could be subtracted.

Power Not Questioned. "Most of the state constitutions have been amended in some respects," declares the opinion which is written by Justice McCourt. "Usually these amendments have enlarged the powers already vested in the state government. In every such instance there resulted a surrender of powers or rights reserved either in the bill of rights or elsewhere in the constitution."

(Continued on Page Five.)

### Rickard Jury Filled; Trial Is Postponed

New York, March 21.—Selection of a jury to try Tex Rickard on a charge that the widely known promoter had criminally assaulted 15-year-old Sarah Schoenfeld was completed this morning. Court then was adjourned until the middle of the afternoon in tribute to the memory of Supreme Court Justice Hitchcock, whose funeral takes place today.

Rickard, who has been locked up in the Tombs during his trial, entered the court room today after having spent the night with Alfred E. Lindsey, alleged swindler of society women, as a cell mate. Rickard was up bright and early. He ordered a hearty breakfast and on reaching court spent several minutes chatting with newspapermen.

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### HOT FIGHT IN COUNCIL IS FUTILE

#### Both Reports on S. P. Relief Matter Last Night Turned Down by Aldermen

The longest, most bitterly pressed debate staged in the Salem city council for two years, opposing sides of which were led by Aldermen John Giesy and F. L. Utter, each of whom is a candidate for mayor, came to nothing last night when their brother aldermen, after hearing a majority and a minority report from a special committee which probed the needs of the Salem Street Car company, at the request of T. L. Billingsley, manager, refused to adopt either report.

The Salem street car situation is now as it was in the beginning. Following the meeting Mr. Billingsley refused to indicate what steps the company, which claims steadily to have lost money, will take.

Early in the meeting the majority report of the special committee signed by Chairman Utter, A. H. Suter and Hal Patton, and the minority report, signed by Mr. Giesy and A. F. Marcus were read, and the long debate which followed occupied the greater share of the session. The majority report recommended that the city refuse any of the requests made by the car company, while the minority report held that certain concessions should be made.

#### Relief Is Advocated

The minority report advocated in part: "That the Southern Pacific company (which owns the Salem street car system) be permitted to operate the street cars at intervals of not more than 30 minutes on Center street from 17th street to the state hospital and on 17th street to the Garden road."

That the Southern Pacific company be relieved from obligation

(Continued on page two)

### Debate Is Won By Willamette

Willamette university won last night with a two to one decision over the boys of the University of Redlands, California, in debate. The question was "Resolved, 'That the union shop should prevail in American industry.'" Willamette had the affirmative.

The Redlands team based its case upon three issues—namely that union shop means a closed shop, that unions are unreasonable in their demands and seek to curtail production, and finally that it would be dangerous to give the unions full sway in industry by permitting them to prevail.

The negative interpretation of the word prevail was that it meant that trade unionism would be placed into every shop and business in America regardless of whether unions are there now or not.

Willamette's constructive argument showed that unionism did not necessarily mean either the closed or the open shop exclusively, but might mean neither, and that the principle of collective bargaining found in unionism is sound.

The negative made a counter proposal, stating that they were in favor of unions within a certain sphere but that unionism should be supplemented by a shop committee plan whereby laborers negotiate with employer without the aid of unions—that labor should not look exclusively to unions but to both these plans.

Sheldon Sackett, Robert Litterer and Robert Natson defended Willamette, while Douglas McPhee, George Brown and James Brougher spoke for Redlands. The judges were Coach A. C. Thore of U. of O., Professor F. A. Magruder of O. A. C., and Justice McCourt of the state supreme court.

Washington, March 21.—The name of Sam H. Piles of Seattle, Wash., will be sent to the senate soon for confirmation as American minister to Colombia, it was announced today at the White House. Mr. Piles is a former senator from Washington.

### Old Free Lunch Resuscitated; Offender Jailed

New York, March 21.—Joseph Zettled, 55, awaiting grand jury action on charges that he violated the Volstead law, today is unique in the view of police and prohibition officials as the one known Manhattanite to have resuscitated the pre-war free lunch counter.

Police officers who invaded his Washington street apartment yesterday claim to have found a familiar brass rail before a lengthy mahogany bar with a table standing to one side heavy with relics of free lunch days, including the indispensable and now neutral liquid. Moreover, claimed the detectives, they were served with two drinks of whisky at a total cost of 25 cents, on payment of which they were invited to partake of the free lunch.

### Mileage Book Statute Held to Be Illegal

Washington, March 21.—A majority of the members of the interstate commerce commission is a statement presented today to the house commerce committee, held that the bill recently passed by the senate directing the commission to order the sale of interchangeable mileage books at a rate lower than the existing tariff was unconstitutional.

Commissioner Esch declared a majority of the committee believed the bill's provisions would destroy contractual relations between the roads.

"If this becomes law," Mr. Esch said, "the Baltimore & Ohio railroad would be required to sell books which would be good on the Santa Fe in a different part of the country, when there is no contract relation between the two roads."

Urging passage of the measure, Senator Poindexter, republican, Washington, declared the fixing by the commission of a reasonable wholesale rate for interchangeable and inter-state mileage books would give the roads immediately a considerable income which just now would be of great benefit to them, and at the same time it would give a great impetus to travel and business.

### Taxpayers Rap Millage Bills

Portland, Or., March 21.—Heated debate over the 1.2 millage tax for the University of Oregon, the Oregon Agricultural college and the state normal school marked today's session of the Oregon Tax Reduction league. A majority report recommended repeal of the law, while a minority favored its retention, the division began 11 to 7.

Dean Walker of Lane county attempted to prevent J. B. Zigler, delegate at large, from speaking, charging Zigler had made derogatory remarks regarding conduct of students of the state institutions in the war. Zigler made denial of the charge and finally obtained the floor.

A committee on continued organization was announced.

### French Troops To Replace Yankees

Paris, March 21.—(By Associated Press)—The American troops on the Rhine who have been ordered withdrawn will be replaced by the Coblenz bridgehead by the French, who now occupy the sectors on both sides of Coblenz.

The only consequence of the withdrawal foreseen in official circles here is a possible interpretation by the Germans that it is in a way a sign of disapprobation of the allied policies toward Germany.

Washington, March 21.—The government filed a motion in the supreme court today to dismiss its suit against the North American Oil Consolidated, Pioneer Midway Oil and the Union Oil companies of California, to restrain them from operating on land claimed as a part of naval reserve number two under a presidential proclamation of December 13, 1913.

### SLAYER OF BURGESS AND PERRINGER IS KILLED BY GUARD

#### Repeated Threats to "Get Somebody" If Not Leased from Bull Pen, Result In Death of James Ogle When He Throws Rock at John Davison Early This Morning

James Ogle, serving a life sentence in the state penitentiary here for the murder of George Perringer and J. O. Burgess, at the Claremont Tavern, near Portland during a robbery two years ago, was shot to death in the Davcourtyard of the isolation ward of the prison by John Davison, a guard, shortly after 7 o'clock this morning.

Ogle according to Davison had thrown a rock about the size of a baseball at him, just missing his head and was making a move as if about to throw again when he fired at him, striking him in the left breast, killing him instantly.

Davison, who has been a guard at the Oregon penitentiary for about two years, shot and killed "Tiger" Johnson, a convict in the Walla Walla penitentiary several years ago, while employed as a guard at that institution.

#### Tried Once to Escape

Ogle who had been confined in the "bull pen" at the prison here ever since he attempted to make an escape by sneaking into the line of workers being taken outside the prison walls about a year ago, "got somebody" and to make his escape from the prison under the name of "John Ogle" by March 19, Davison who was on guard on the wall surrounding the "pen" had been warned of Ogle's threat and cautioned to keep a careful watch of his movements. When he hurled the rock this morning, Davison stated, he figured that the time for the threatened break had arrived and when he made the move as if to throw again he fired. Ogle at the time of the shooting was taking his daily hour's exercise which is granted to each of the convicts who are confined to the "bull pen."

The dead convict was about 34 years of age. His father, W. E. Ogle, lives at Boise, Idaho. Ogle's record includes prison terms at the Monroe, Wash., reformatory and the Deer Lodge, Mont., and Walla Walla, Wash., penitentiaries.

Says Ogle Desperate Several months ago, Davison stated to District Attorney John Carson, who conducted an investigation of the killing this morning, Ogle violated the rules governing men confined in the "pen" by leaving the path upon which their exercise must be confined.

(Continued on Page Five.)

### Italians Hope For Prosperity From Sessions

Rome, March 21.—(By Associated Press.)—As the date for the assembling of the Genoa conference approaches, greater interest is being shown by the Italian public and hope is expressed that the meeting will serve to bring about the economic reconstruction of Europe and lead to a much needed era of prosperity.

Public opinion here is in accord with that of England on nearly every problem to be discussed, but the Italian financial commission does not share the British point of view on one of the most important questions having to do with finance.

England is reported as favoring a scheme for the definite stabilization of European currencies, equivalent in countries where exchange is much depreciated, to a virtual scrapping of the present currency, which would be replaced by currency having a gold basis.

It is remarked that would be only acceptable to countries whose currency has definitely depreciated, and not by other, like Italy, who firmly believed in the eventual recovery of their finances.

Dixon, Ill., March 21.—Miss Mildred Butler, 16, who was shot last evening by her jilted lover, Nick Smith Jr., 19, will recover, hospital attendants said today. The youth after shooting the girl turned the weapon upon himself and put a bullet through his heart.

### No Change Is Made In Name of West Salem

In spite of the fact that 159 names have been suggested, the community may yet remain West Salem if the will of the majority is carried out. Such was the tone of the meeting of the West Salem city council last night.

The majority of the West Salemites do not want to give up their privileges of rural delivery for a postoffice which would necessitate a trip of some length for a great number to get their mail.

Under the present system the West Salem mail leaves the Salem postoffice at 7 o'clock and deliveries are made at an early hour, without the recipients going any further than their front gate to receive it.

If the name is changed it will probably be "Kingwood," a petition containing 150 names having been presented to the council last night.

Further discussion on the change will be held next Friday night. W. T. Grier filled the vacancy left in the council by the resignation of C. M. Robinson.