

CIRCULATION
Average for March \$705.
Member Audit Bureau of Circulation.
Member Associated Press—Full leased wire service.

Capital Journal

THE WEATHER
OREGON: Tonight and Wednesday rain or snow; Fresh westerly winds.
LOCAL: Rainfall .95; southerly winds; part cloudy; max. 47, min. 35; river 5.6 feet and falling.

FORTY-FOURTH YEAR—NO. 86.

SALEM, OREGON, TUESDAY, APRIL 11, 1922.

PRICE TWO CENTS

ON TRAINS AND NEWS STANDS FIVE CENTS

GROWERS AND FRUIT UNION LOSE APPEAL

Supreme Court Refuses To Grant New Trial In Phez Company Case Involving \$300,000.

The loganberry grower-members of the Salem Fruit Union must abide by the contracts entered into in 1917 for the delivery of their product to the Phez company. The supreme court which some time ago found for the Phez company on an appeal from the Marion county circuit court today denied a petition for rehearing of the case presented by the growers. The contract made in 1917 and covering a period of five years provided for the delivery of loganberries to the Phez company at a stipulated price. When the open market price exceeded this contract price many of the growers broke their contracts and sold on the open market. Some 100 growers and a judgment of approximately \$300,000 are involved in the case.

Contract Binding.

The defendant Fruit Union had entered into a contract binding it to sell and deliver the loganberries raised by the defendant growers during the years 1917 to 1921, inclusive, and had subjected itself to liability for damages for failure to make such deliveries, the opinion of the court points out. "The defendant growers had authorized the Fruit Union to make the contract and incur in their behalf the liabilities mentioned."

The next move on the part of the Phez company, in its action to recover its \$300,000, will be the filing of supplementary complaints requiring all growers with whom it had contracts to appear and account for the amount of berries grown and not delivered, counsel for the company said this afternoon.

Big Tonnage Involved.

In nearly all of the 100 cases, the contract called for the delivery of the entire crop, it was stated.

The prices named in the contracts ranged from 4 1/2 to 5 1/2 cents. On the open market during the years when the growers violated their contracts, they were offered from 9 to 13 cents.

Contracts made by the Phez company for the five-year period involved crops aggregating approximately 1500 tons each year.

NELSON FILES FOR POLICE CHIEF JOB

K. J. Nelson, an officer at the Salem paper mill, today filed his petition announcing himself a candidate for the office of chief of police here. "Devotion to duty with favors for none," is Mr. Nelson's slogan.

Mr. Nelson, who has lived in Salem for the past five years, said today he has served as patrolman on police forces in both Cripple Creek and Poncha, Colo., and as a deputy sheriff of Cripple Creek county.

BEN WHEELER BOUND OVER

Ben Wheeler, local chimney sweep, charged with failure to support his two year old child, was yesterday bound over to the grand jury by Judge G. E. Unruh following a hearing held in the justice court.

Wheeler was arrested several days ago on complaint of his wife. He was unable to furnish the \$200 bail demanded by Judge Unruh and was lodged in the county jail. Ronald C. Glover is his attorney.

TRAIN DELAYED; FOUR HURT

Chicago, Ill., The Chicago and Northwestern Continental Limited from the Pacific coast to Chicago, was derailed near Watkins, Iowa, today and four or five passengers were injured, according to official reports received at the road's local offices here. Wrecking trains were sent from Boone, Iowa, and from Clinton carrying doctors with orders to take the injured to Cedar Rapids hospital, as their condition was serious. A broken rail caused the wreck.

Sea Faring Hen Not Disturbed by Cruise

Pittsburg, Kan., April 11.—Wilbur Pillsburo of Weir, several miles south of here, while watching the overflowing waters of a creek near his home yesterday saw a covered box float into shore. Upon examination he found a setting hen within, hovering over 15 eggs, untouched by the water. He intends to let the hen complete the hatching.

VETERANS URGED TO SEEK JOBS IN HOME LOCALITY

Indianapolis, Ind., April 11.—Ex-service men of the American Legion, today asked the Associated Press to broadcast to the jobless veterans who, he said, are congregating in the larger cities, where the unemployment situation is becoming worse.

The legion's effort to find employment for the 700,000 jobless ex-service men, begun three weeks ago, is gaining in effectiveness, Mr. MacNider said.

"But the stiffest problem," Mr. MacNider continued, "has been the floater. In order to benefit the worthy, the first people of our effort has been for every community to take care of its own."

"The legion's advice is: 'Get back home. Get back among your comrades. Get back among the people who have watched you grow from boyhood to manhood and who naturally feel the greatest gratitude toward you for your service in the war. Back with the home folks lies your chance for honest, profitable employment among friends.'"

RAZOR WIELDER'S CASE TO BE HEARD ON MONDAY

Joe D. McAfee, charged with assault with a dangerous weapon on O. A. Penny following a fight at the Southern Pacific depot here early yesterday morning, requested a hearing when he was arraigned before Judge G. E. Unruh in the justice court this afternoon. It will be held next Monday morning.

McAfee was arrested in Portland yesterday morning a few hours after Penny, his throat badly lacerated, was found lying near the depot. Both McAfee and Penny, who is in a local hospital, claim to have been on the defensive in the fight. Each admits, however, that the altercation was the result of a drinking party which started in Portland.

McAfee's bail was placed at \$1000, which he was unable to furnish. He was placed in the Marion county jail.

INJUNCTION IN CAMAS STAGE CASE DISMISSED

The temporary injunction, granted by Judge William M. Bushey in the absence of Kelly and Bingham, in the case of the Camas Stage company vs Sam Kozar, secretary of state, was dismissed this morning by Judge Bingham who signed an order to that effect and also allowing the state to recover its costs.

Judge Bingham heard the case some time ago, which was an effort on the part of the stage company to keep the state from collecting license fees on buses running out of Portland across the Columbia river, for the reason that its home office was located at Camas, Wash., and the company had paid such fees to that state.

STATE FUNDS ARE INVESTED

A total of \$50,679 representing a surplus in the segregated fund of the industrial accident commission was invested in school and road improvement bonds by the state bond commission in session Monday afternoon. The bonds purchased by the commission include \$14,000 Washington county school district 23; \$8,479 Klamath county school district 53; \$500 Clatsop county school district 10; \$7,600 Malheur county school district 26 and \$20,000 Umatilla county road bonds. The school district bonds were purchased on a basis to yield 5 1/2 percent and the road bonds on a 6 percent basis.

TARIFF RATES HIGHER UNDER REVISED BILL

New Classifications Are Used In Wool Schedule Of Measure Reported To Senate.

Washington, April 11.—(By Associated Press.)—The administration tariff bill as re-written by senate finance committee republicans on the basis for foreign valuation with provisions for flexible rates and proclaimed American valuation as recommended by President Harding, was presented today to the senate. It was announced that it would be taken up April 21. A long fight is in prospect, with some estimates that it might continue for three months.

Taken as a whole the bill, according to estimates of committee experts, averages slightly higher than the Payne-Aldrich law, the last republican protective tariff act. As compared with the house measure, the specific rates generally are higher, but the ad valorem rates generally are lower, as such rates in the house bill were based on American valuation.

Treasury experts have estimated roughly that the bill will raise from \$300,000,000 to \$350,000,000 of revenue annually. The Underwood law yielded between \$200,000,000 and \$300,000,000.

Washington, April 11.—(By Associated Press.)—Herewith are given the important rates in the tariff bill, reported today to the senate by the finance committee, with comparisons with the Payne-Aldrich and Underwood laws, wherever feasible. The ad valorem rates in the Fordney measure are based on American valuation, but they are used in the comparisons.

The report attached to the commission said 25 per cent, American valuation, is generally equivalent to 50 per cent foreign valuation. Because entirely different classifications have been used in drawing the wool schedules in the new bill, no comparison of the rates in that schedule with those in the famous schedule K of the Payne-Aldrich bill is undertaken. The raw wool rates in the senate measure are about equal to those in the Payne-Aldrich law, however, and Senator Smoot of Utah, who drafted the new schedule, says some of the other rates are as high as corresponding provisions in schedule K, while others are lower.

Agricultural Products.

Wheat 30 cents bushel; Fordney and Payne-Aldrich 25 cents; Underwood, free. Corn, including cracked, 15 cents bushel; Fordney and Payne-Aldrich same; Underwood, free. Oats 15 cents bushel; Fordney 10 cents; Payne-Aldrich 15 cents; Underwood 6. Barley 25 cents bushel; Fordney 15 cents; Payne-Aldrich 30; Underwood 15. Rye 15 cents; Fordney and Payne-Aldrich 10 cents; Underwood, free. Cattle 1 1/2 to 2 cents per pound; Fordney 1 to 1 1/4; Payne-Aldrich \$2 head to 27; per cent; Underwood, free.

AXE MURDER LAID TO BOY'S FATHER

Concordia, Kan., April 11.—Finger prints on the handle of the axe used in the murderous assault at the Tremblay farm home a week ago tonight were those of L. J. Tremblay, father of the Tremblay brothers, according to a report received today by Coroner H. E. Doty from experts at the state prison.

FIRE TRUCK DAMAGED IN CRASH; NONE HURT

The chemical truck of the Salem fire department received a broken wheel when the machine, turning a corner at Fifth and D streets, skidded and crashed into a curb about 5:50 o'clock this morning. The truck was moving slow at the time and no one was injured. Firemen were on their way to a blaze at the corner of Church street and Highland avenue. Wallpaper in the kitchen was burned but the damage was light, firemen said.

Mother Drunk; Teacher Asked to Excuse Boy

A written excuse, addressed to a teacher by a mother who explained that she had been "gloriously drunk" and that her son was "not to blame" for his absence from school, was today received from a Marion county teacher by Mrs. Mary L. Fulkerson, county superintendent, and is held to be the most unique letter of its kind ever filed in the local office.

The letter, as written, follows: "I'll tell you I went to town and got gloriously drunk and didn't get up in time. Clayton was not to blame."

"As for me having him stay at home I shall whenever I need him and you can excuse him or not just as you please. I try and do what I think is best, any way the best I can do. When you get so you can't pick a fight down your way, cum up and I will try and hold my own. I'm getting old and never have pulled a girl's hair, but am willing to try if necessary. "If you don't like this you know what you can do."

Mrs. Fulkerson declined to make public the name of the sender, but said that she will take the matter up with officials.

The district in which the principals live is located about 15 miles from Salem.

SMOOT, BURTON SEATED; SENATE FIGHT IS FUTILE

Washington, April 11.—The allied debt refunding commission created by congress and entrusted with conversion into long time securities of the debts of the allied nations to the United States was formally completed today through confirmation by the senate of the nominations of Senator Smoot of Utah and Representative Burton of Iowa, republicans, as members of the commission.

Confirmation followed more than five hours of discussion in executive session. The principal argument against confirmation was said to have been made by Senator Walsh, democrat, Montana, who originally raised the eligibility point while the principal speech in support of Senator Smoot and Representative Burton was reported to have been made by Senator Cummins, republican, Iowa, chairman of the judiciary sub-committee which considered the nominations.

The vote on confirmation was 47 to 25. Two democrats, Senator Broussard, Louisiana and Senator Kendrick, Wyoming, voted for confirmation, while three republicans, Senators Borah, Idaho, La Follette, Wisconsin and Norris, Nebraska, voted against. The roll call was made public by order of the senate.

REUNION OF VETERANS OF 91st SET FOR AUGUST 19

Seattle, Wash., April 11.—Annual reunion of veterans of the 91st (Wild West) division will be held in Seattle and Tacoma August 19-20 immediately following the national convention of the Veterans of Foreign Wars here, it was announced today.

A parade and banquet will be held here August 19 to be followed the next day by a divisional review and visit to the old training quarters of the division at Camp Lewis. Several thousand veterans, including delegations from California, Oregon, Montana, Idaho and other western states, are expected to attend the reunion, which will be held under the auspices of the 91st division association of Washington.

PRODUCER'S PACKING CO. REELECTS OLD OFFICERS

With the exception of one change, all executives of the Producers Canning & Packing company were re-elected at a meeting of the stockholders yesterday. Lloyd T. Reynolds was re-elected president; William Riekman, vice-president; and Frank Gibson, secretary. The change in the board of directors was made through the resignation of K. D. Kugel, who gives place to G. W. Needham. Two thousand tons of fruit were handled last year by the company, according to the report made yesterday by the secretary. New additions will be made this year to the plant as well as new improvements for the employees and new equipment for the handling of products.

15 CANDIDATE FILE; WOMEN SEEK OFFICES

Secretary of State Is Deluged With Formal Declarations Of Political Aspirants.

Bess A. Clough of Canyonville, Douglas county, is the first woman to officially enter the race for a state office this year. Her formal declaration as a candidate for the republican nomination for representative of the fourth representative district, comprising Douglas county, was received by Secretary of State Kozar here this morning. In her platform she promises to "work for a general reduction of taxes on real property; for a more equitable tax on motor vehicles and support every measure that makes for true economy in the administration of state affairs."

Lee Enters Race

J. D. Lee of Orland filed his formal declaration as a candidate for the republican nomination for governor this morning. "Lessen the home-destroying tax burden; a greater Oregon; official integrity," is the slogan under which he will seek support of his candidacy. In his platform he promises to "practice unflinching economy in all departments of all institutions with best business judgment; faithfully enforce law; insist by use of rightful prerogatives that the legislature reduce expenses and official salaries including the governor's; a complete reform of commissions, or supplant them by better system; aid efficiently the producer; foster industries, commerce, education, the well-being of the commonwealth including the humblest citizen, and circumvent Oriental obtrusion."

"A malady, malignant, mercenary, preys upon our civil life," he declares. "It is government by politics. Will cooperate with the people for alleviation, unhorse the spellman. Require all to bear proportionately governmental burdens; fairness to auto owners."

Park B. Beatty of Brownsville

who wants to be the republican candidate for representative from Lin county declares for "Less promise, more performance," in his official slogan.

Eugene Man Out

Ben F. Keeney of Eugene, in his declaration as a candidate for the republican nomination for representative from Clackamas county, declares that "taxes are too high" and suggests that we "apply the pruning hook."

Ralph P. Cowgill of Central Point in filing for the republican nomination for representative from Jackson county uses neither platform nor slogan.

Isom G. Bridges of Oregon City who seeks the republican nomination for representative from Clackamas county, declares for "lower taxes, greater economy and efficiency in office."

Wilford T. Evenson of Clatskanie, republican, seeks the republican nomination for representative from Columbia county. He would "abolish offices and commissions that constituents do not certify worthy and necessary."

Richard E. Bradbury of Klamath Falls wants the democratic nomination for representative from Clatskanie county, as a slogan which declares for "farmers' representation by farmers."

Mrs. Kinney In Race

Mrs. W. S. Kinney, of Astoria, formerly a member of the lower house, seeks a seat in the state senate as the republican candidate. If her slogan she promises "continued good service."

W. H. Strayer, of Baker, democrat, wants to continue to "serve the people to the best of my ability" as the state senator from Baker county.

T. T. Bennett, of Marshfield, is out after the republican nomination for representative from Coos county.

RAILWAY LABOR BOARD NOMINATIONS APPROVED

Washington, April 11.—Nomination of the three members of the railroad labor board, J. K. Elliott, Texas, representing the managers; G. Wallace Hanover of Washington, representing the public group; and A. O. Wharton of Missouri, representing the labor group, were confirmed today by the senate.

Jefferson Resigns; Echo of Council Tilt Seen in Retirement

Attempt to Kill Cat Costs Man Own Life

Blaine, Wash., April 11.—J. P. Hyde, Blaine justice of the peace, who cut his throat when he fell on an axe yesterday, died at 1:30 o'clock this morning.

Hyde took his gun and tip toed into his wood shed on the trail of a stray cat here. Last night he tripped as he entered the door. In falling he cut his throat on an axe lying on the wood shed floor, at the same time discharging the gun, the shot entering his head.

FRAUD CHARGED TO WAR BUREAU IN SUPPLY SALES

Washington, April 11.—Charges that the war department has sold property and is today selling property at "ridiculously and criminally low prices to favored customers, concealing from congress and deliberately misrepresenting the facts," were made in the house today by Representative Johnson, republican, South Dakota.

"As proof of the fact that the war department is misrepresenting the facts to congress," Mr. Johnson charged that a report by Secretary Weeks relative to sale of property, transmitted to the house last December, was "the most fraudulent, misleading and criminally deceitful document ever submitted to the American congress."

Mr. Johnson declared the evidence he had obtained showed that the war department is "trying to control the department of justice by putting men who ought to be in the penitentiary on the department of justice payroll and asking congress to appropriate for it."

TRIAL OF WIFE SLAYER OPENED IN WYOMING

Laramie, Wyo., April 11.—Trial of Albert O. Clark, former member of the city police force, charged with the murder of his wife, was begun in the district court today. Clark is alleged to have shot his wife to death after a St. Patrick's day party at his home here March 17.

Barret Cole, who is alleged to have looked through a window of the Clark house and seen Mrs. Clark lying on the floor with Clark standing over her body, a pistol in each hand, was one of the first witnesses called.

TWO BULLETS IN HEAD BUT WOMAN WILL LIVE

Tacoma, Wash., April 11.—Mrs. John Steinbrink of Doty evidently was not marked by fate to die from the effects of a bullet wound. Yesterday she went out to kill a crow a revolver. She looked down the barrel of the gun and it accidentally discharged, the bullet entering below her chin and ranging upward to the base of the brain under the right eye.

The woman then decided, she says, that the wound would cause her so much suffering that she had best die. She placed the revolver just above her ear and pulled the trigger. The bullet flattened out on her skull. She was taken to a hospital at Chehalis and will recover.

WILSON'S BROTHER IS HELD

Los Angeles, Cal., April 11.—Frank Wilson, brother of Herbert Wilson, today was saved in the county jail with a federal warrant, charging him with having aided and abetted the escape of a federal prisoner.

This charge followed the discovery of Frank Wilson seated in an automobile with its engine running at a vantage point near the county jail last Sunday, a few minutes after an attempted jail break had resulted in the death by shooting of Herbert Cox and the re-arrest in connection with the shooting of Herbert Wilson.

San Antonio, Texas, April 11.—Two soldiers were killed and nine seriously burned when pyrotechnics exploded in a pit during an exhibition near Camp Bullis north of here last night.

CONFERENCE NEARLY SPLIT BY RUSSIANS

Objection To Recognition of Japanese and Rumanian Delegates Causes Scrap at Genoa.

Genoa, April 11.—(By Associated Press.)—At this afternoon's meeting of the principal conference committee, which is to consider Russian affairs, Foreign Minister Chicherin of Russia protested against the presence of the Rumanian and Japanese delegates, because Rumania was occupying Bessarabia and Japan was occupying portions of Siberia.

Premier Facta of Italy, who was presiding over the committee, declined to consider the Russian protest, giving as his reason that all the countries invited to the conference had a right to be represented on its committees.

German Rights Attacked.

The opposition to the presence of the delegates from the two countries was an outgrowth of the Franco-Russian incident at the opening session of the conference. M. Barthou of France, and more especially M. Theunys for Belgium, placed themselves in opposition to the German and Russian representatives being admitted to the principal committee, while the representatives of the smaller countries which fought with the allies were excluded.

Premier Theunys in his argument declared the Germans were unworthy of taking part in the work of a committee of such importance in association with the representatives of honorable countries.

The work of conciliation undertaken by Premier Facta and Signor Schanzer was finally successful.

Russian Problem Up.

Genoa, April 11.—(By Associated Press.)—Consideration of the Russian question by the international economic and financial conference began today with the meeting of the Russian committee.

GREAT TOURIST INFUX IS SEEN

Six hundred thousand tourists are expected to visit the Pacific northwest this year, according to Herbert C. Cuthbert, secretary of the Northwest Tourists' association, who spoke before the Kiwanis club this noon in the Marion hotel.

"We will have passing through the northwest this year, 50,000 automobiles from California," said Mr. Cuthbert. "The Southern Pacific has granted special summer excursion rates from southern California, through the efforts of the tourists' association, so that Salem will have as many people passing through it as twice the population of Portland."

According to Mr. Cuthbert, each tourist will spend not less than \$100 in the northwest making the income from such class of travel \$50,000,000.

"Tourists travel is a form of advertising, and advertising is the most potential force in the world today. A state can be developed more through tourists travel than any other agency."

Eighty five per cent of the tourists are people who have money, and figured on the basis that they will spend \$80,000,000 a year in the northwest, the amount appropriated by the Oregon legislature of \$25,000 returns to the state two fold, according to Mr. Cuthbert.

FEDERAL EMPLOYEES IN PANAMA MUST PAY RENT

New Orleans, La., April 11.—Three thousand government employees of the Panama canal and the Panama railway must pay the government rent for the use of their houses in the Panama canal zone, the United States circuit court of appeals decided here today in denying the petition of Harvey McConoughy representing the workers for an injunction to restrain the government from collecting the rent.

FLOOD WATERS OF MISSISSIPPI BREAK LEVEES

Beardstown, Ill., April 11.—(By Associated Press.)—Blown into a fury by a high wind, which sprang up about 9 o'clock this morning, the Illinois river forced its way through Beardstown's levee at 11 o'clock today, flooding 25 city blocks under a four foot sheet of water.

Memphis, Tenn., April 11.—A telephone message to the headquarters here of the third district of the United States engineers at noon today states that the White River levee at Laconia Circle, near Helena, Ark., had broken and was letting in water, which if not checked, ultimately will cover approximately thirty square miles of farm land.

Helena, Ark., April 11.—Telephone message from Melwood today stated the Methodist church and 25 or 30 houses there were wrecked by last night's storm and that about 70 houses were demolished on the S. Lunden Land & Lumber company's plantation at Lundell.

BRYAN NOT AFTER SEAT IN SENATE

Miami, Fla., April 11.—William J. Bryan in a statement given out this afternoon announced his definite decision not to become a candidate for the United States senate from Florida.

HUGHES OPPOSES NAVY REDUCTION PROGRAM

Washington, April 11.—Reduction of naval personnel to 67,000 enlisted men as provided in the naval appropriation bill now being considered by the house would reduce the American navy below the 6-5-3 ratio established by the arms conference and "would be most injurious to the interests of the United States," Secretary Hughes today wrote Representative Rogers, republican, Massachusetts.

2 FILE FOR CONSTABLE TWO FOR COMMITTEEMEN

Four have filed their declaration of candidacy for the position of constable and committeemen of different districts of the county, to be elected in the May primaries, with the county clerk.

Those who have filed are: A. F. Silmeral for constable of the Silverton district; W. E. DeLong, constable, Salem district; John Girardin and W. F. Wright for committeemen in the Turner district.

Wright requests that besides his name on the ballot the clerk place the slogan: "Reduce taxes. Out O'cott and the whole Steiner family."