

# PHXZ JUDGEMENT REVERSED

## TEST SHOWS COLLINS ALIVE: PROBE OPENS

### Shaft Now Down 38 Feet —Work Is Progressing Faster—Military Court of Inquiry Opens.

Cave City, Ky., Feb. 10.—(By Associated Press)—Another amplifier test today convinced experimenters that Floyd Collins still breathed in his Sand cave prison. Respiration is about 14 or 15 times a minute, it was indicated.

Cave City, Ky., Feb. 10.—The shaft directed to the natural tomb of Floyd Collins in Sand cave had reached a depth of 49 1-2 feet shortly before 2 p. m. today. Thirty nine feet of that distance has been timbered on all four sides. Drilling has reached the 76 foot level without indications that blasting will be necessary.

The work was progressing slightly faster, as much of the material to be removed and hoisted was heavy rock slabs. The task of miners and their volunteer helpers is an engineering feat of considerable skill, and grueling struggle, a race against time with few tools at hand. In half hour shifts of three, the work goes on every minute, except for the necessary interruptions, while sections of cribbing are lowered in place to brace crumbling walls against cave in.

## FISH BILL MAY NOT COME TO VOTE IN SENATE

There is no certainty today that the Ritter bill transferring the state fish commission from the governor to the board of control will actually come up for consideration in the senate tomorrow afternoon, although it has been set for a special order of business at 2:30 o'clock.

There is no gaining the fact that the delays which have already held up consideration of this measure have been due entirely to the inability of the fish group to line up the 20 votes in the senate necessary to carry the bill over the veto of the governor, and that unless definite assurance of 20 favorable votes is secured the bill will never be pressed, and likely will never go to third reading.

Upon three separate occasions in the past two weeks friends of the bill have felt that they had the needed strength, only to find at the last moment that there had been a deviation from their ranks to jeopardize its enactment. When the bill was up on special order yesterday its friends counted 18 sure votes and were banking upon an even split of the six senators listed as doubtful.

Further delay was sought when it became known that Senators Eddy, Hare and Johnson had reached an agreement to stand together on the fish bill, and efforts are now being made to line them up for the measure. With them the passage of the bill is certain; without them its defeat looms likely.

Considering that today the fish bill is the keynote to the entire legislative program, and that its defeat may block all other legislation if the fish people so desire, the outcome of negotiations with the Eddy-Hare-Johnson combination is being watched eagerly. The fate of every major piece of legislation still pending rests upon their decision in a great measure, it is generally conceded.

## HOUSE VOTES RETENTION OF COUNTY JUDGE

### Bill Abolish Office and Giving W to Circuit Judge D ed—Com- panion Bill Tabled.

The peaceful grinding of the house legislative organization was broken this morning by an hour of verbal sword clashes when house bill 252, abolishing the office of county judge, was killed.

Representatives Swan, Winlow, Filmore and Pierce led the fight on the measure, killed by a vote of 31 to 25.

Representative Carlin, of the judiciary committee, which introduced the measure, argued for it. "The idea that we are trying to get more judges is absurd," he declared, in reference to that part of the bill transferring certain county judges' duties to the circuit judges. "We have sufficient judges to handle twice the work they do if we followed the English system and sped up court procedure. The farmers in my county want business men handling their court business. They don't want two by four lawyers and pettifoggers."

Representatives Cowgill, Graham, Hamilton and Hesse also argued for the measure.

House bill 253, a companion measure calling for the appointment of county commissioners in counties which would be affected

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## PINCHOT ASKS REGULATION OF DISTILLERIES

Harrisburg, Pa., Feb. 10.—Philadelphia is the principal center in the United States for the manufacture of illegal drink from denatured alcohol and Pittsburgh is a center for illegal beer. Governor Pinchot told the general assembly today, in a message asking enactment of a bill for regulation of distilleries and breweries.

If the bill is passed, the governor said, the sources of illegal drink in Pennsylvania can and will be dried up. If it is defeated, he predicted, flagrant violations of the law will continue, and the law breakers will, by its defeat, be encouraged to still greater lawlessness.

"The enemies of law enforcement will try to make it appear that to defeat this bill will bring nearer the day of light wine and beer," he said. "Even if such a day could ever come it could do nothing of the sort. If modification of the Volstead act is ever to be possible, this much is clear, it cannot ever be considered until the law is fully enforced. This is not a question of light wine and beer. It is not a question of unadulterated liquor of any sort. It is a question of stopping the flood of poison drink poured out over the state and a flood of crime, misfortune, disease and death which rains and kills our own people by the thousands and flows in an evil stream from Pennsylvania into other states as well."

Explaining that poison bootleg liquor is made out of denatured alcohol either completely or specifically denatured, the governor said that in the two years ending June 30, 1923, the amount of specially denatured alcohol produced in Philadelphia increased from less than \$90,000 gallons to more than 5,000,000 gallons.

## 592 OBSERVERS GO WITH BATTLE FLEET

San Pedro, Cal., Feb. 10.—A total of 592 observers, including 64 newspapermen and three news photographers, will be permitted to accompany the United States battle fleet on its forthcoming summer cruise, it was announced abroad the flagship California last night. Five hundred enlisted men of the naval reserve will be included in this total.

## Eastern Oregon Railroads Tied-Up By 10 Mud Slides

Halfway, Or., Feb. 10.—Due to rain and melting snow causing mud slides on the Oregon Short Line railroad between Huntington and Robicette, this territory has had no mail since Wednesday. One train is tied up on Robicette unable to get back to Huntington. There are ten different slides on the line and traffic may not be resumed before Friday.

Local roads are in bad condition and there is little travel. Rain caused a tremendous snowslide at Coquille, but no damage was done.

## SALEM OUT OF DEBT IN 10 YEARS FIGURES COUNCIL

In 10 years the city of Salem will be virtually out of debt, declared members of the ways and means committee and of the finance committee who met at the city hall last night.

The total bonded indebtedness of the city is now \$381,500, as contrasted with a total indebtedness of \$480,500 for one issue of sewer bonds alone in 1912, pointed out Alderman Hal Patton.

Receipts for last year from all sources to the city were \$357,416.87, and disbursements were \$437,639.14, leaving a cash balance at the end of the year of \$20,777.72, as shown in the auditor's report, presented last night at the committee meeting.

This surplus of nearly \$100,000 was the point of some discussion by the committee. Alderman Rosebraugh insisted that this was too large an amount to be intact throughout the year at 2 per cent interest, and ways and means of recirculating this condition may be worked out.

The \$99,777.72 surplus is divided into three funds, the municipal fund of \$5,809.82; the special reserve fund of \$25,563.88; and the improvement fund of \$68,403.99.

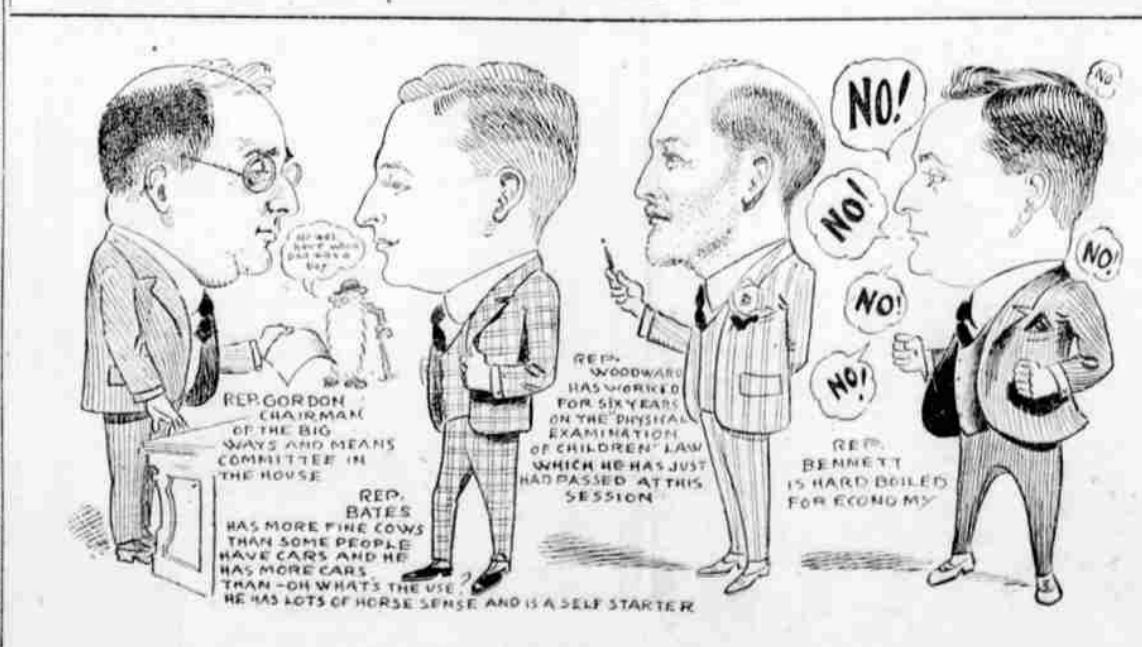
## MARK ELECTED AS PREMIER OF PRUSSIA

Berlin, Feb. 10.—(By Associated Press)—The Prussian diet today elected Dr. Wilhelm Marx, former chancellor of the reich, as premier of Prussia. Dr. Marx received 223 votes against 162 for Herr Richter of the peoples' party. The new premier will try to form a government from the parties of the left.

## Highway Again Opened

Russburg, Feb. 10.—The Pacific highway is again open between Dillard and Myrtle Creek, and cars are experiencing little difficulty in getting by the slides which have been of frequent occurrence during the past few days. Passengers are wide enough to accommodate the big passenger buses and freight trucks have been opened.

## GLIMPSES OF LEGISLATORS BY MURRAY WADE



## COOPERATIVE FARM RELIEF BILL OPPOSED

### McNary Among Critics of Recommendations of Coolidge Committee— Cites Oregon Growers.

Washington, Feb. 10.—While methods of carrying its recommendations into effect were being assailed today before a house committee, members of President Coolidge's agricultural conference appeared before the senate agricultural conference appeared before the senate agricultural committee to explain their suggestions.

B. F. Yoakum, chairman of the Farmer-to-Consumer league, occupied the stand before the house agricultural committee and he delivered a vigorous onslaught against the Williams bill, designed to carry out recommendations of the conference, at the same time urging the Curtis-Aswell measure for a system of co-operative marketing agencies.

Before the senate committee, W. M. Jardine, a member of the conference declared the recommendations were based on views widely held by farmers and followed testimony of authorities on agriculture.

"It is time for the farmers to get behind some plan and stop fighting each other," he declared, adding that "the recommendation will relieve agriculture and will

## JEFFREY MUST PAY WIFE \$3000

Seattle, Feb. 10.—John A. Jeffrey, farmer exalted cyclops of the Ku Klux Klan of this state, must pay his divorced wife, Della Jeffrey, \$3000 back alimony, extending over a period of ten years.

An order to this effect was handed down in superior court after C. P. Morality, Mrs. Jeffrey's attorney, introduced evidence tending to show that the former Klan leader here had flagrantly violated an order issued by the Oregon courts when Mrs. Jeffrey divorced him in 1911.

Neither Jeffrey nor his ex-wife appeared in court. No resistance was made to Mrs. Jeffrey's petition except a motion filed shortly after commencement of her suit, asserting that her claim had been outlawed. The court held the contention applied only to alimony more than ten years past due.

John A. Jeffrey formerly lived in Salem leaving here about 15 years ago after residing here a number of years, coming to this city from Medford. He practiced law in Salem in the firm of Jeffrey and Lendon, having offices over the Ladd and Bush bank.

## Two Country Stores Visited by Burglars \$500 Goods Taken

One successful robbery and an unsuccessful attempt, marked the trail of burglars in small country stores in the county last night when the store at Quinaby was entered and between \$500 and \$600 worth of loot removed, and a window was taken from the store at Waconda but the would-be burglar was heard and scared away by J. C. Savage, proprietor of the store there. Both proprietors state they believe they know who did the jobs.

A. N. Anderson, proprietor of the store at Quinaby, states that last evening, just before dark, a stranger entered the store, and driving up in front in a big touring car. The stranger purchased a small article or two, and went his way, but Anderson declares he is sure from his looks and actions that he either pulled the job or was one of a gang in on the robbery.

Entrance to the store was made through a front window by cutting out the glass, the same sort of a system of entrance attempted at the Waconda store.

Among other things taken from the Quinaby store was a typewriter, and also tobacco, socks, gum, shirts, ties, and numerous other articles, the thieves apparently taking everything they could haul away in their car, and all being in the nature of property easily disposed of with some fence.

J. C. Savage, owner of a store at Waconda, was in Salem today to report the attempted robbery of his store last night. Mr. Savage was awakened by the rattle of glass at the store building, in the middle of the night. He opened the back door of his house just in time to see the man who broke the glass in flight. He got away.

Investigation disclosed that an attempt had been made to remove the glass from the front window, and possibly on account of the darkness a slip occurred and the glass crashed on the ground.

Mr. Savage is positive in the declaration that he knows who it was who tried to break it.

## FLOOD VICTIMS SHELTERED, FED BY NEIGHBORS

Vale, Or., Feb. 10.—No one is suffering from lack of food or shelter in the flooded district surrounding Vale, as neighbors of the flood sufferers have given assistance. It was reported here when a meeting of city and chamber of commerce officials was held late yesterday. Representatives of Ontario were present and said they would send their mayor, W. H. Doolittle, to assist farmers of Vale and the district west of here to obtain state relief.

The county court has ordered that carcasses of all dead animals be buried, and purchased 25 barrels of lime to be used in preserving sanitary conditions. This amount of lime may not be sufficient, County Judge Nee said, as the carcasses west of Vale are spread over a distance of four or five miles.

Only some jagged edges of concrete is all that remains of the Brogan dam, which was washed out, causing the flood; the center of the dam being washed down to bedrock, according to Percy Purvis, on his return from the site of the 125-foot structure. He reported that the Warm Springs ranch, five miles down from Bully creek, was gone. All the buildings, even the stone house, were washed level to the ground. All the ditches were so filled with mud and debris that no trace could be found of the former ranch.

The railroad bridge two miles west of Vale is expected to be ready for trains tomorrow. About two miles of the track washed out have been repaired.

## SAY DOCTORS SEEKING TO FORM TRUST

### Allopaths Alleged Trying To Strangle Other Groups Through Legis- lative Effort.

Charges, direct and indirect, that the dominant school of doctors, the allopathic, was attempting to strangle other groups engaged in the healing arts, were voiced by the naturopaths, osteopaths, chiropractors, gymnastic directors and shoe dealers at a hearing held before the house revision of laws committee on house bill 291.

The proponents of the bill declare that the measure is not designed to strike at any group, but is intended to raise educational standards, thereby insuring people of the state against unprepared practitioners of any group.

The bill would establish a board of licensure consisting of ten members of whom eight would be named by the governor. Of the eight, four would be doctors of medicine, one a doctor of homeopathic medicine, one a doctor of osteopathy, one a doctor of electric medicine, and one a doctor of chiropractic. This ninth member of the board would be the state superintendent of public instruction, and the tenth, the secretary of the Oregon state board of health. To obtain a license, one

## POSTAL RATE PAY BILL PASSED

Washington, Feb. 10.—The Kelly postal pay and rate increase bill was passed today by the house and sent to the senate.

The bill was approved after less than two hours debate under rules requiring a two thirds vote for passage and barring amendments from the floor.

Final action was without a roll call, Speaker Gillett holding that on the viva voce vote more than two thirds of the house members present supported the bill.

Carrying the same pay increases as provided in the bill vetoed by President Coolidge, the measure proposes rate advances estimated to yield \$61,000,000 as against an expected increase outgo of \$63,000,000 in salaries.

## ARRESTED FOR POISON CAPSULE

Columbus, Ohio, Feb. 10.—Louis Fish, 19, freshman in the college of pharmacy at Ohio State university, was held in the city jail today for further questioning in connection with the deaths of two students and the illness of others, following his admission last night that without permission he had dispensed poison capsules to David I. Puskin, a fellow student, which caused his death.

Fish, while admitting he failed to tell all he knew of acts on first being questioned, denied he put poison in the capsule bottles. Puskin, Fish's best friend.

## HEAVY FOG IMPEDES TRAFFIC IN NEW YORK

New York, Feb. 10.—Heavy fog which yesterday caused a series of elevated railroad accidents resulted in the death of two men and injury of sixty persons, still far over the city today. Traffic on land and sea was delayed.

Three boats from Fall River, Mass., and Providence, R. I., with several hundred passengers, resumed their berths nearly 24 hours late.

Thousands of commuters were delayed. Service on some ferry lines was discontinued.

## FRUIT UNION HELD LIABLE FOR PENALTY

### Loganberry Growers Re- lieved of all Liability For Failure To Deliver Upon Contracts.

Holding that the third contract between the Northwest company, successors to the original Phx company, the Salem Fruit Union and the latter's loganberry growing clients was not made for the benefit of the plaintiff or its assignors and was never intended "to be an instrument creating any direct privity between the plaintiff, or its predecessor, and the growers but that the contract was entered into for the purpose of authorizing the Union to make a new contract with the Northwest company in order to make provision for changed conditions in the production of berries that the growers might receive an increased price for their berries," but that "although a new contract was prepared and was the subject of negotiations between the Northwest company and the Union for nearly a year, it was never completed or executed," the supreme court this morning handed down an opinion reversing the decision of the Marion county circuit court as regards the grower parties to the now famous suit of the Phx company, and modifying the decree as concerns the Salem Fruit Union.

Under the decision the growers are relieved of all liability for their failure to deliver upon earlier contracts made with the Phx company, and the Salem Fruit Union is liable only to the extent of the penalties of 10 cents per crate for each crate of loganberries which it, as agent for the growers, failed to deliver to the Phx company.

The court held that the Northwest company, successor to the Phx company, had full knowledge that the first and second contracts entered into between the growers and the fruit union provided for the delivery of berries and stipulated the penalty to be paid by the growers for failure to deliver, and that, knowing of this restraint upon the fruit union to enforce delivery, the Northwest company cannot recover more than the fruit union is enabled to recover under its contracts with the growers.

## 100 INJURED IN FRENCH RIOTING

Marseilles, France, Feb. 10.—(By Associated Press)—Nearly one hundred persons were wounded or injured during attempts by communists to break up a meeting of the newly organized Catholic party presided over by General de Castelnau here last night.

The list of casualties, at first estimated at slightly more than a score, was increased today by reports from hospitals and police stations where many of the victims presented themselves.

Senator Flaissariens, the socialist mayor of Marseilles, has forbidden all public meetings for an indefinite period.

The population of Marseilles is at a high state of feeling, especially by the Catholics, who resent the interference with their meeting and allege that the police failed to afford it proper protection.