

# HOLD-OVER SESSION FORCED

## TUG OF WAR ON TAXATION OF UTILITIES

### Objections To Ultimatum By Governor Voiced In Both Houses In Consider- ing Gross Earnings.

Governor Pierce and the house organization will again come to a test of strength this afternoon when the ways and means committee introduces its bill to tax the gross earnings of utilities amounting to over \$5,000.

Objecting to what amounted to an ultimatum from the governor last night, President Moser of the Senate and Speaker Burdick of the house declare they will not stand for the utilities tax bill being put through both houses under suspension of the rules and sent immediately to the governor and in the house Burdick will have the influence of Representative Gresham, who says he will stir up a fight on the floor.

The governor has in his possession for the fifth day the bill appropriating \$100,000 for the public service commission. He told the ways and means committee last night that he will veto the bill today unless it is withdrawn and sent back to him with the utilities tax bill accompanying it. But the bill, it develops, cannot be withdrawn unless there is some change to be made in it, and there is none. So if the utilities tax measure is not hurried through three readings and passed in both houses this afternoon the service commission measure will get the ax before midnight.

Reluctantly did Representative Gordon accede to the procedure of trying to get the bill through today, but the ways and means committee by a vote of 8 to 5 instructed him to move suspension of the rules when the bill is introduced "and keep on moving suspension of the rules until the bill is passed or defeated." The same instruction was given Senator Toose, chairman of the senate committee, if the bill reaches the senate.

## SOCIALISTS PLAN LABOR PARTY

Chicago, Feb. 21.—(By Associated Press)—Anticipating that the railroad labor chiefs would succeed today in crushing any third party proposal before the conference for progressive political action, the socialist national party is ready to call a convention to organize a new party to be known as the American Labor party.

This much executive committee members of the socialists led to know today before entering the conference in which the various groups which supported La Follette's presidential campaign last fall are represented.

The American Labor party, which the socialists will propose if the railroad men throttle any new party movement, would be patterned after the English labor party, founded upon group representation.

This would squarely oppose the idea of United States Senator La Follette for a new party to be based on geographical representation similar to the present old parties.

The brotherhood leaders agreed yesterday to oppose any new party idea but voted to attend the conference today and prepared to present a resolution outlining their views.

## JAMBLE ACQUITTED OF MURDER CHARGE

La Grande, Or., Feb. 21.—(By Associated Press)—A jury today cleared today of a charge of first degree murder, a jury after five hours deliberation, returning a verdict of not guilty of killing his friend and neighbor, William Wigginsworth. Wigginsworth was shot in a mysterious manner at his home November 16 last. The trial started Tuesday, and has been attended by large crowds each day.

## 22 OUT OF 51 BODIES KEEN FROM MINE

### Possibility That Many Victims of Explosion In Indiana Colliery Will Never Be Recovered.

Sullivan, Ind., Feb. 21.—(By Associated Press.)—The seventeenth body was removed from the City Coal mine today.

Cobb Lamb, a member of the rescue team, after an exploration of the workings, said there was a possibility that some of the bodies would never be recovered. There were many bad falls, he said, that had covered some of the bodies, making it almost impossible to retrieve them.

Wary, grief stricken women waited at the top of the City Coal company mine today for their "boys," while a score of men toiled underground to recover the blackened and bruised bodies of 24 of the 51 miners entombed in an explosion yesterday.

A cave-in early today halted for several hours the work of rescue after sixteen bodies had been taken out. After-damp, the dread poison gas of the miners, made first attempts to recover the bodies precarious and part of the night was spent in repairing the mine's ventilating system.

The blast trapped all the men working in little rooms off the third and fourth and seventh and eighth entrances of the mine. A flash of flames quickly consumed all the life sustaining oxygen and the concussion of the explosion brought loose coal and a shower of timber down on the workers.

Mine experts said a cutting machine, working close to the wall of an abandoned mine had cut through a partition, releasing a flood of gas that had accumulated in the old workings. A flame from a miner's lamp ignited the gas and caused the explosion. In four instances fathers and sons were victims.

## KLAN FOUNDER FATALLY HURT IN AUTO WRECK

Atlanta, Ga., Feb. 21.—(By Associated Press)—Colonel W. J. Simmons of Atlanta, founder and former head of the Ku Klux Klan and Norris Moore of Houston, Texas, who were injured in an automobile accident last night near Gainesville, Ga., are in a precarious condition and hardly expected to live, it was said late today by a physician attending them.

Atlanta, Ga., Feb. 21.—Colonel W. J. Simmons of Atlanta, former imperial wizard of the Ku Klux Klan and Norris Moore of Houston, Texas, supreme knight recorder of the Knight of the Flaming Sword, which Simmons now heads, were severely fatally injured in an automobile accident last night twenty miles from Gainesville, Ga., it was learned here today.

The two men were taken to a hospital at Gainesville and it was reported that Colonel Simmons had suffered a punctured lung and that both collar bones had been broken. Mr. Moore's neck was reported broken. J. J. Haines of Atlanta, who is connected with the rights of the Flaming Sword, escaped injury.

The three men were en route to Colonel Simmons' home in the Nacoochee valley in northern Georgia on an organization trip and in traveling over the highway about 20 miles from Gainesville, the machine struck a soft spot in the road and plunged down an embankment.

## \$52,900 SECURED BY INDIANA BANK BANDITS

South Bend, Ind., Feb. 21.—Four men held up the State Bank of Millsburgh, Mich., east of Benton Harbor, today and escaped to a motor with \$29,000 in cash and \$50,000 in negotiable securities, according to word received here. Police of northern Indiana cities were co-operating with Michigan authorities in searching the country for the four men.

## Who Runs School? Grocer or Teachers? Neither—the Pupils

Allegations and counter allegations were flying back and forth this morning between high school authorities and Kirby Ross, operator of the store behind which 13 high school boys were yesterday arrested for shooting dice. Statements by the high school authorities indicate that Ross' store has for a number of months been a source of annoyance, and that Ross has not cooperated with them in suppressing such juvenile vices as crap shooting and cigarette smoking. They express the suspicion that petty gambling has been going on inside the store with the full knowledge and countenance of Ross. They even state that Ross has sold tobacco to minors without first taking proper precautions that could easily have been taken.

On the other hand, the general trend of Ross' stand is that his store is open to the general public, and that he has been running it in as respectable a manner as possible. He is unable, he says, to "be mother to 40 or 50 kids." While not denying that gambling has been going on immediately behind his store—he indicates that the 13 apprehended yesterday were a small proportion of those who have been guilty—he nevertheless insists that whenever boys began to gamble in his store he has ordered them out. "And I have several witnesses to prove it," he states.

The case is expected to come up before Judge Paulsen some time next Tuesday. A complaint, alleging that he has allowed gambling on his property, has been signed by J. C. Nelson, high school principal.

"I don't know what will become of it," he states.

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## CONTROL BOARD GIVEN CHARGE OF BUDGET MAKING

The house this morning passed house bill 132, by Representative Kilham, providing that the state board of control shall have direct supervision over the preparation of budgets rather than the budget commission. The board of control could be given power through the bill to prescribe a uniform system of account keeping by state institutions and departments.

The house this morning passed house bill 460, calling for the election of Multnomah county's school superintendent from that part of the city outside the corporate limits of Portland. The superintendent shall only have authority over the territory which elects him, under terms of the bill.

The house this morning passed house bill 147, providing for an Americanization commission and an appropriation of \$2500 for 1925 and 1926 for carrying on educational work among foreign population of the state. The Americanization department will be conducted in conjunction with the public schools of the state, the state superintendent of public instruction having charge of it. The commission is authorized to name an Americanization commissioner to assist the state superintendent of public instruction.

The sum of \$500,000 would be appropriated for the children farm home in Benton county by house bill 86 passed by the house this morning. The money is for the building of cottages and school rooms.

The salary of Sheriff Hurlburt of Multnomah county will be raised from \$4500 to \$5100 a year if house bill 464 is passed by the senate. The house passed the bill this morning.

## HAUGEN MARKET BILL REPORTED OUT FAVORABLY

Washington, Feb. 21.—A favorable report was ordered today by the senate agricultural committee upon the Haugen bill to create a federal co-operative marketing board.

The measure is designed to carry out the principal plank in the program of the present agricultural commission. It is also pending in the house.

Adoption of the report was preceded by a lengthy executive session in which the bill was vigorously attacked by opposing committee members.

The co-operative marketing board proposed under the bill would be composed of five instead of three members to be appointed by the president, each to represent a principal agricultural industry—livestock, grain, dairy and poultry, cotton and tobacco, fruits and vegetables. The salaries of the commissioners would be \$10,000 a year instead of \$12,000 originally proposed.

## SOUTH'S PROTEST HEARD IN SENATE

Washington, Feb. 21.—Proposed legislation in several states to tax cotton oil products, was declared today by Senator Smith, democrat, South Carolina, to constitute "a most serious situation in the relations of states."

It is inevitable, he said in a senate speech, that the states adversely affected by the proposed legislation will attempt "retaliatory measures."

## ABANDON TAX ON COSMETICS KEEP TOBACCO

### Governor's Threat of Veto Prevents Additional State Levy—Kill Nor- mal Bill.

There will be no additional state tax levy. This conclusion was reached by the ways and means committee last night after Governor Pierce appeared and said that he would veto any measure of the kind that provided for more than one fourth of a mill. Since this would not be sufficient to restore the normal tax making base for the annual levy next December the committee decided to drop it.

Members of the committee are still divided in their opinion whether there will be enough money without it to tide over the present biennium, but it now appears there will be, with probably \$300,000 or a little more to the good—if the proposed revenue bills are accepted by the session.

As for the tax making base under the 6 per cent limitation, the governor told the committee he did not care anything about that and laid the blame on others than himself and Jefferson Myers for making a short levy last December. The governor said he and Myers acted according to figures that were brought to them.

**Veto Assured**  
The above was one of the developments of the ways and means committee last night, the last meeting of the session. Another was a decision to drop the proposed cosmetic tax. This was a result of the appearance of about 50 delegates from as many towns who declared war against the proposal. Also a verbal opinion from Attorney General Van Winkle was that the tax would probably not be collectible.

Another decision last night was to save the public service commission appropriation of \$100,000 from the veto by withdrawing it from the governor today and holding it until it can be sent back to the executive accompanied by a bill to tax the gross earnings of utilities to the extent of \$80,000 for the two years, which would come within \$20,000 of covering the appropriation for

## BEND TO VOTE BONDS FOR WATER PROJECT

Bend, Or., Feb. 21.—The city council last night voted to advertise for bids for a \$400,000 bond issue to be used for the purchase of the plant and equipment of the Bend Water, Light & Power Co., and general expense with which to carry through the Bend Tualum water project for which authority was recently given by the legislature.

## Averted Wreck



ERNEST PEARSON

Ernest Pearson, seven years old, of Jasper, Oregon, proved himself a hero by flagging a Southern Pacific railroad train and notifying the engineer of a slide of rock and earth on the track which would have caused serious catastrophe. He was rewarded handsomely by the railroad company.

## 100 FIRES LAID TO BUCHEL BY FIRE MARSHAL

Portland, Ore., Feb. 21.—Fire Marshal Grenfell, who has been directing investigation of incendiary fires which Chester C. Buchtel, Portland fireman, has confessed starting, declared today he believed that Buchtel had been responsible for nearly 100 blazes. Buchtel has confessed 42, most of them small fires, and has refused to admit any connection with several large incendiary fires. Losses from incendiary fires in Portland during the period in which Buchtel admitted operating amount to more than \$1,000,000 said Grenfell.

Buchtel remained in jail today. His father, A. L. Buchtel, asked officers that his son be held without bail, declaring he did not consider it safe for him to be released.

Grenfell declared he knew of no parallel case. "This is the only instance on record where a man within a city fire department turned firebug and started fires with such heavy loss," he said.

Buchtel continues to declare that he does not know what actuated him in his fire starting activities.

## Three Killed on Barge

Philadelphia, Pa., Feb. 21.—Three men were reported killed and a number injured today when an oil barge moored in the Schuylkill river near the city's garbage reduction plant blew up.

## PIERCE VETO TRAFFIC BILL OVERRIDDEN

### Questions of What Con- stitutes Two Thirds of Majority Raised By Vote of 38 to 19.

The question of just how many votes constitutes a two-thirds majority of the house arose in the body this morning when senate bill 34, increasing the size of the state traffic department from 6 to 25 men, came up for passage over the veto of the governor.

The vote was 38 to 19, and friends of the measure are now wondering just where they stand. Despite the ruling of Speaker Burdick that the two-thirds requirement applied to the members present at the time the vote is taken, and that it does not require two-thirds of the full membership of the house to override a veto.

In this connection some of the older heads are recalling the special session of 1921, called for consideration of the 1925 exposition proposal, when 14 members of the senate blocked the measure. At that time only 29 members were present, owing to the death of Senator Hume, and proponents of the fair measure had 15 votes, a majority of those present. But it was ruled at that time that constitutional majorities are majorities of the full membership.

Speaker Burdick declared the bill was not political. "No principle is involved of taking power from the governor," he declared. "The traffic officers alone will suffer if the veto prevails. They are entitled to decent salaries and the people of the state are entitled to adequate protection on the highways."

Representative Hamilton also argued for the bill. "Is this the legislative branch or is it across the corridor?" he queried, pointing to the governor's office. "The bill makes no change in the present status of highway traffic law enforcement."

Representative Carkin contradicted the points the governor sought to make in his veto message.

## 8 SENT UP FOR VARIOUS CRIMES FROM MEDFORD

Medford, Or., Feb. 21.—The gates of Oregon penal institutions opened today for eight men and boys sentenced from Jackson county and, while their misdeeds ranged wide in fields of crime, the automobile was a heavy contributing factor in their fall.

The prisoners range from Elmer Howell, a baneful boy of 14 years, to Roland Eastwood, 25, a metallurgist, who graduated from the University of Edinburgh, Scotland, and held responsible positions with British mining concerns in many lands.

The others ordered committed to the reform school are Julian Daily, 12, and Fred Reavis, 14, of his city, accused of stealing a car and starting on a world tour reaching Ashland before being captured; James Mobley, 17, and Charles Simpson, 15, of Seattle, who ran away from their homes and also stole an automobile.

Sheriff Jennings left for the state prison with Roland Eastwood, sentenced to 15 years; Steve Albert, sentenced to 10 years, and Herbert Duff, sentenced to 5 years, for the holdup of the Union Oil station in Ashland. The car in which the trio were traveling was stolen in Los Angeles, according to the authorities.

## DEADLOCK IN PROSPECT ON TAX ISSUE

### Hold Over Session Forced In Both Houses By Financial Crisis—Propo- sed Taxes Objected to

(By Harry N. Crain)  
A hold over session of both houses of the legislature is a certainty today, but the duration of such a session is another matter. From ever corner of the lobby comes a different story as to how long the session will remain on the job. Some say next Tuesday night will see the necessary business consummated, some say Thursday and still others can weave a very logical tale as to how it will take an entire additional week.

There is, however, a marked silence on this subject by those of the legislature who know the real inside of the situation. To them adjournment depends upon the time it takes to straighten out the financial tangle with which the ways and means committee has been wrestling for weeks.

Few there are, even around the legislative halls who have any conception of the seriousness of the financial tangle that is faced. In a nutshell, the tax levying commission last December levied a state property tax that is found to be about \$1,000,000 short of requirements, leaving that amount to be made up. The governor has issued the ultimatum that the deficit must be made up through indirect levies, which the legislature is willing to do if a means can be devised, except for one thing.

There is a serious question as to the constitutionality of some of the indirect taxes that have been levied, and the question has also arisen as to whether or not such levies can be considered in determining the basis for the six per cent tax increase limitation. If not the taxing power of the state will have been placed on a deficiency basis from which it will take years to recover. The situation would be particularly acute should anything arise to invalidate the indirect levies that are contemplated.

The legislature, were a poll to be taken today, would unquestionably favor the safe and sane course of a direct levy of at least half a mill to safeguard the state

## ZEP RETURNING FROM BERMUDA

Washington, Feb. 21.—The airship Los Angeles, which flew to Bermuda during the night from Lakehurst, left on her return at 10:10 o'clock this morning, the navy department was informed by radio.

The great airship did not attach herself to the mooring mast of the tender Patoaka, as had been intended, owing to weather conditions.

Arriving in sight of Bermuda at 4:45 o'clock, the Los Angeles cruised about over the islands for several hours. The sky was overcast, and it was found that difficulties in the way of mooring were too great.

The officers of the Los Angeles followed a previously mapped plan, navy department officials said, which provided for a quick return if weather conditions were not favorable to the program originally outlined.

A later dispatch to the navy from the Patoaka said it was eleven a. m., before the dirigible finally squared away and disappeared on her return flight.

## D. A. C. DEFEATS OREGON

Eugene, Or., Feb. 21.—In a letter battle on the local floor, the Oregon Agricultural college basketball team defeated the University of Oregon last evening 34 to 30.

The first half ended 20 to 0 for the Aggies, and the final frame saw a desperate attempt by the Oregon men to catch up with their opponents. At one stage of the second half the score stood 23 to 24 for the Aggies, but a final minute rally by the visitors gave them the game.

## GENERAL WOOD'S SON DISAPPEARS IN PARIS

Paris, Feb. 21.—(By Associated Press.)—The police late today began investigation into the disappearance of General C. Wood, son of Leonard Wood, governor general of the Philippines, who has been missing since Monday from his hotel. The inquiry was instituted at the request of his valet.

## GLIMPSES OF LEGISLATORS BY MURRAY WADE

