

DAWES FLAYED IN SENATE

INJUNCTION ON DRAINAGE PLANS FACED

County Court Is Told Kay Will Ask Restraining Order If Mill Creek Power Is Reduced.

Tom Kay told me the other day if an effort was made to lower the water of Mill creek so it would affect the power in the stream an injunction would be served on immediately," was a declaration made by E. W. Durbin to the county court today. He was making a final appeal as main remonstrator against the southeastern drainage district proposition.

He asserted that he would willingly pay \$250 in cash if he could be left out of the district, declaring that drainage will do his lands more damage than good, because of sub-irrigation conditions which would be destroyed by a drainage ditch.

Will Not Compromise.
"Would you withdraw your protest against the district under those conditions?" he was asked. "Not on my life," declared Durbin. "I am in this fight with my neighbors out there and I will spend a thousand dollars before I desert them."

Durbin also made the allegation that in the original plat of the district as presented to the court covering the territory in east Salem, that J. G. Merchen, one of the prime movers of the district plan, owned property which was not included in the district which was entirely surrounded by property that was included.

Frame-up Charged.
"It was a frame-up and I am not afraid to say so," declared Durbin, when commenting on the original plan.

Since that time all of the property in question has been withdrawn from the proposed district. Members of the county court are still to consult the district attorney as to certain legal phases of the plan before making their final decision. Court members admitted today that they still are at sea as to what their final decision will be.

"There are good arguments on both sides of the question," stated County Judge Hunt. "There is no doubt that sections out there need drainage."

"What are we going to do with the water when it hits the city limits?" is the query propounded by County Commissioner Smith.

Project Once Failed.
It developed at the hearing today that Durbin, Superintendent Steiner of the state hospital and a number of other citizens several years ago launched a drainage scheme on their own hook. At that time arrangements were made for Steiner to furnish man power and a donkey engine, while citizens were to furnish a barge and directing leads for the operation and Mill creek was to be lowered with the brush taken out. The proposition was moving smoothly until they approached

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THREE IN LINE FOR MITCHELL'S AIR CORPS POST

Washington, March 5.—The list of those from which Secretary Weeks will recommend to President Coolidge a successor to Brigadier William A. Mitchell, assistant chief of the army air service and storm center of the air craft controversy, has been reduced to three officers, and a final decision is probably late today. None of the men now under consideration ranks below the grade of lieutenant colonel.

MOS MADE SUCCESSOR TO CUMMINS

Senate Republicans Pick New Hampshire Senator As Leader; World Court Issue Revived.

Washington, March 5.—Senator George H. Moses of New Hampshire, was selected today by senate republicans as their candidate for president pro tempore of the senate to succeed Senator Albert B. Cummins of Iowa, who did not seek re-nomination.

Senator Charles Curtis of Kansas was re-elected republican floor leader and Senator James E. Watson of Indiana was again selected as vice chairman of the conference. Senator James W. Wadsworth, Jr., of New York, continued as the conference secretary.

Jones Likely Whip.
Senator Curtis was directed to select a party whip and is expected to reappoint Senator Wesley L. Jones of Washington. The majority leader also was authorized to fill any vacancies on the republican committee on committees which names the republicans, insurgents and farmer-labor to the regular standing committee.

All of the present standing officers of the senate were re-nominated. They are George A. Sanderson, secretary; David S. Barry, sergeant at arms, and the Rev. J. Muir, chaplain.

The organization of the senate will await a meeting of the senate, either within a day or two to select their state candidates.

COURT ISSUE REVIVED

Washington, March 5.—The world court issue was injected today into the special session of the senate.

Senator Swanson of Virginia, the ranking democrat on the foreign relations committee, reintroduced his resolution for American adherence to the court.

OUTSIDE FRUIT MEN HERE TO BUY

Outside fruit men are beginning to roll into the Salem district making preparations for their share of the tonnage during the coming season.

Probably foremost among these is A. Gompertz, formerly San Francisco manager for the Calt-American company, known as one of the largest brokerage firms in the world. He is due here this afternoon on a trip that is taking him on a visit to all north-west packers and canners.

J. H. Geron of Hamburg, was here yesterday calling on Robert C. Paulus, the Paulus company had just designated Geron's firm as Hamburg brokers. Geron is contemplating use of fruit in Germany that can be shipped in original sacks. Shipments in this are so expensive because of heavy duty that German houses can only handle fruit in sacks. Geron only using this method to promote industries within her own confines. Manager Gray of the Gray-Barron company of San Jose was another fruit man visiting here yesterday. This company operates a large canning plant in the Santa Clara valley.

Portland Woman First White Child Born In City; Is 83

The state supreme court is in receipt of a letter from Maria Campbell Smith, 83 years old, of Portland, who, according to her letter, was the first white child born in Salem.

She was born October 25, 1841, a short distance east of the present location of the southern Pacific depot. Her father was Hamilton Campbell, a relative of Alexander Hamilton, and her mother's name was Biddie. Her parents sailed from New York harbor with 50 families under the leadership of General Lee in October, 1849, on the Lausanne.

Mrs. Smith writes the court in behalf of the decedent's estate against whom a move for collection is being made by the city of Portland and Multnomah county. It is proposed to take the matter to the supreme court for decision as to locality. Delinquents for many years back would be affected.

KAY SPEAKS ON OPPOSITION TO TAX PROPOSALS

"People have been complaining about taxes ever since I can remember," was one of the statements made by Tom Kay, state treasurer, in a speech before the Marion-Polk county realtors this noon, during which Mr. Kay indulged in a series of reminiscences extending back over most of the 60 years of his life, which has been spent almost entirely in Oregon.

There are those who oppose every public forward movement of any kind, he maintained, seeing only the immediate cost in the way of taxes, and not having sufficient vision to appreciate the ultimate benefits. "Many men who have opposed new improvements have often been the greatest beneficiaries after the improvements have been put over in spite of them," he stated.

Because of paved streets and other public improvements property valuations are from five to six times higher than they were some 20 years ago, the speaker indicated. He recalled the time when he first moved to Salem from McMinnville. Grass was growing over all of State street except for a narrow strip kept bare by the passing wagons, a movement was even put up and down the street occasionally, cutting the grass for hay. The grass in the public parks was mowed once a year, and sometimes sold for hay. Even in those days, Mr. Kay stated, every move for improvements of any kind met with bitter opposition from those who raised the cry of too high taxes.

The speaker gave a large part of the credit for the growth and improvement of the city to the Salem Board of Trade, which later became the Salem Commercial club, which in turn was changed to the Salem Chamber of Commerce. The chamber, working as a center of activities, and helped by various civic organizations, has brought the city to a place where it is looked up to as a model residence section in the northwest, he maintained.

EXPLORER, DIVORCED BY WIFE, IN PORTLAND

Portland, Or., March 5.—Dr. Herschel C. Parker, explorer, whose wife, Evelyn Naegle Parker, obtained an "Enoch Arden" divorce, in New York yesterday, was located in Portland today. He has been living at a hotel here. He declared he had left New York five years ago for the west to engage in research work following arrangement from his wife. At the time of their marriage in 1911 Dr. Parker was in his 40's and his wife was in her teens.

Dr. Parker said he had established a residence in Reno, Nev., intending to apply for divorce, but when he learned his wife had started suit he abandoned his residence there.

The "Enoch Arden" provision of the New York divorce law allows one party to a marriage to obtain an uncontested decree when the other party has been absent from the state for five years.

Dr. Parker in an interview today telling of his explorations in the west said he had discovered a practical plan for drawing gold from the waters of Lake Mono, Cal., through electro-chemical methods.

MYERS LOSES PENSION JOB WITH STATE

Board of Control Fires Field Agent of Adult Blind School; Saving of \$200 Monthly.

The state board of control today voted unanimously to dispense with the services of J. F. Myers as field representative of the adult school for the blind in Portland for which he now receives a salary of \$200 a month. The motion provided that any future employment of Mr. Myers at the institution shall be through the superintendent with his salary fixed by the state board.

The motion was made by State Treasurer Kay, and Governor Pierce then informed Secretary of State Kozier that it was up to him whether the motion would be adopted. Kozier said he wasn't ready to act on the question and Kay reminded him that prior to the legislature when Kay made a similar motion Kozier wanted to defer action until after the session. When the motion was fully explained, however, that Myers might be further employed in another capacity by the superintendent and his pay fixed by the board, all members agreed to it.

Pierce Seeks Myers.
"I would dislike very much to put Myers out," said the governor. "He is the father of the institution and out of whole cloth worked up the sentiment that created it. I realize that he is hard to work with, but there is no institution there if it weren't for Myers."

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COOLIDGE SENDS 2 NOMINATIONS BACK TO SENATE

Washington, Mar. 5.—President Coolidge today returned to the senate the re-nomination of Charles C. Borah of Michigan to be attorney general, which failed of confirmation at the session ending yesterday.

The nomination of Harry S. New of Indiana to succeed himself as postmaster general also was sent to the senate.

This batch of nominations sent by the president did not include those of other cabinet members, however, and it was indicated that Mr. Coolidge had taken the position that they continue in office under the new administration with out another confirmation by the senate.

Neither did Mr. Coolidge return the nominations of Thomas F. Woodcock of New York as a member of the interstate commerce commission. His confirmation had been held up by serious opposition during the last session and it is understood now is under consideration for the place.

The senate confirmed the nomination of Mr. New almost immediately.

Knee Length Skirts Long Paris Edict

New York, March 5.—Skirts above the knee, curled eyelashes and red ears are the latest Paris modes, New York has just been informed.

Sixth Day of Navy Maneuvers Finds Strategists Busy

Aboard U. S. S. Seattle, Mar. 5.—The sixth day of war in the Pacific of the 115 fighting craft of the United States navy engaged in the first step in the greatest series of maneuvers ever held in the Pacific, finds the staff officers of both fleets actively engaged in great battle problems.

Gunners practice in the Caribbean sea found the capital ships, the main battle force of America, far from the theatre of war when the declaration of war was made by the black nation, according to the maneuver problem.

The Pacific coast was denuded of sea strength save that the scout fleet (blue forces) was just through the canal. With the declaration of war the aircraft service information in the hands of the defensive forces known as the blue fleet, was that a great black fleet with a train of supply ships, was starting for the Pacific coast, from Christmas island, some two thousand miles in the Pacific.

Whether this black fleet intended to shell Los Angeles or San Diego for destruction; whether it planned to establish a merchant operating base off the lower California coast to cut American naval forces from the Pacific states, or just what it did plan was the problem for the blue fleet to decide.

The blue fleet, composed of light cruisers, destroyers, and submarines of war the aircraft service information in the hands of the defensive forces known as the blue fleet, was that a great black fleet with a train of supply ships, was starting for the Pacific coast, from Christmas island, some two thousand miles in the Pacific.

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RANCHER FOUND DEAD WITH SHOT THROUGH SKULL

Medford, Or., March 5.—Orin W. Train, 69, well known in the Evans creek district where he has lived nearly 40 years, was found dead last night on his ranch with a bullet through his head. Although the dead man had a .35-caliber revolver in one hand, from which a shell had been exploded, there is some doubt of suicide, according to officers investigating.

As Train was of a cheerful disposition, had no financial worries, and the morning of his death purchased a supply of provisions, Coroner H. W. Conger will visit the ranch today and decide whether or not an inquest is necessary. Train lived alone, his two sons, Marion and Orin, living at Prospect Or.

Medford, Or., March 5.—Frank Jones of Medford, 39 years old, was instantly killed last evening when the scaffold on which he was painting the barn on the ranch of Paul Shearer near Central Point collapsed and he fell 30 feet striking his head upon the sharp edge of a rain barrel. His wife witnessed the tragedy and is reported today in such a serious condition that arrangements for the funeral have been indefinitely delayed.

JENKINS TO STAY BAKER ASSERTS

Portland, Or., March 5.—Mayor George Baker and Circuit Judge G. Morrow, "ere both on their feet, shaking fingers at each other with President H. H. Haynes interposed with his gavel, at the luncheon of the Progressive Business Men's club today.

Leading up to the tilt between the mayor and the judge had been a speech by the mayor in which he accused the better classes of citizens of interfering with officials in behalf of friends who have broken the law, sidestepped the recommendations of the law enforcement committee and strenuously served notice upon the press and the public that he will retain Chief of Police Jenkins in spite of any and all pressure that may be brought to bear, so long as Jenkins "continues to be a clean, decent, efficient officer as he is now."

NEW CABINET MEMBERS AT DESKS TODAY

Kellogg and Jardine Are Formally Installed In Offices; Warren's Fate In Senate's Hands.

Washington, March 5.—Frank B. Kellogg was sworn in today as secretary of state, succeeding Charles E. Hughes, who has held the post the last four years.

The oath was administered at the state department at 9:30 a. m. by Associated Justice Pierce Butler of the supreme court, who, like Mr. Kellogg, is a Minnesotan.

An informal reception during which Mr. and Mrs. Kellogg mingled with the little group of invited guests followed, after which the secretary was escorted to the big secretary in the office of the secretary of state to begin his duties.

Hughes Shows Relief.
Within fifteen minutes after Mr. Kellogg had taken the helm which had been held by Secretary Hughes through four of the most eventful years in American diplomatic history, Mr. Hughes had left the state department to complete his preparation for sailing Saturday for Bermuda, where he expects to spend several months before resuming his practice of law in New York. He seemed elated at his release from official career when he left the big building.

Plunging into his new duties, Secretary Kellogg's first appointment was for a conference with President Coolidge with whom he will now work in guiding the nation's foreign policies.

Jardine Takes Oath.
Washington, March 5.—William M. Jardine of Kansas today became secretary of agriculture, succeeding Howard M. Gore, who retired yesterday to take up his duties as governor of West Virginia.

The new secretary took the oath (Continued on Page Four)

BURKE MATCHED WITH DEMPSEY

San Francisco, Mar. 5.—Martin Burke, 26, New Orleans heavyweight, has been matched to meet Champion Jack Dempsey in an eastern city for a title fight within the next five months. It was announced here today by Lew Diamond, Burke's manager. Diamond said that his announcement was sanctioned by Jack Kearns, manager of Dempsey.

"I have been authorized by Kearns to get bids for the fight," Diamond said. "Dempsey and Kearns have both promised that the first man to be met is Burke. This will be on the two final bouts in which Dempsey is to appear before closing his ring career. After Burke he will meet Tommy Gibbons. Burke was a former pupil of Dempsey's and is liked by the championing fighter."

"There are three possible sites for the fight, some city in Michigan, Philadelphia or New York." Burke has scored victories over Romero Rojas, Erminio Spalla, Bartley Madden and Solly Montgomery and a sensational knockout of Bob Martin, former champion of the American expeditionary forces. He has also defeated Tommy Meahan, Bob Roper and Fred Fulton.

FARMERS' BALLOT

To ascertain the sentiment of farmers upon the auto parking limit in the business district of Salem, country readers are requested to cut out, mark with an X their preference and mail this ballot to the Capital Journal.

Favor one hour parking limit.
 Favor two hour parking limit.
 No limit.

Name _____
Address _____

DISREGARD OF OLD CUSTOMS IS RESENTED

Vice-President Is Taken To Task For Criticism of Methods Voiced In Inaugural Address.

Washington, Mar. 5.—After two senate sessions today had reverberated with echoes of the precedent-fracturing induction into office yesterday of Vice-President Dawes, it was agreed unanimously that whatever was done yesterday in disregard of senate rules should be considered—for this one time only—as legal and proper.

The vice-president himself kept silent during most of the assault upon his method of speeding up senate business, but offered before the debate was over to readminister the oath of office, if the senate thought it necessary, to the new members whose induction into office he had interrupted in violation of senate traditions.

Irregularities Sanctioned.
Such a step would be unnecessary, however, and accepted instead an unanimous consent agreement proposed by Senator Reed, democrat, Missouri, putting the seal of senate approval on yesterday's proceedings.

Immediately afterward a proposal to amend the rules was offered by Senator Underwood, democrat, Alabama. It would provide the way to impose a limitation upon debate to prevent one filibuster—a step which the new vice-president advocated in his inaugural address but which republican leaders do not believe can command a sufficient majority.

Throughout the morning hour session, Mr. Dawes himself kept perfectly quiet except, when, in a low voice that scarcely reached the far corners of the chamber, he put two perfunctory motions and announced the result.

Abruptness Resented.
During the short time he was in the chair, however, the vice president was the target of a sharp criticism of his manner of cutting short the swearing in of new senators yesterday, delivered by Senator Ashurst, democrat, Arizona, who emphasized his speech by shaking a ringfinger at the chair; heard Senator Reed, democrat, Missouri, demand that the official record of what was done yesterday be examined again by the senate and listened to an explanation by Senator Hale, re-

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MOVIE ACTORS JUMP BOARD BILL

Des Moines, Iowa, March 5.—Four moving picture actors and actresses, together with their managers of the "Movie Frolic" with which they were connected and who were arrested here this morning on a charge of jumping a board bill at the Hotel Pontelle, Omaha, spent two hours in the police station and were released at noon after the business manager, H. A. Deveaux had secured the \$275.10 due the Omaha hotel.

The actors and actresses stated their intentions of dissolving their relations with the Cosmic Production company and of continuing their tour of the country as an independent and cooperative organization without managers.

Those who were arrested included Anna May Wong, Cullen Landis, Edna Gregory and Jack Landuberty.

After the arrests, Deveaux in company with his wife and a detective secured the money for payment of the hotel bill by soliciting the aid of some of Mrs. Deveaux's friends in Des Moines. It was said,

EBERT FUNERAL COMPLETED

Heidelberg, March 5.—(By Associated Press.) The body of Frederick Ebert, first president of the German republic, was laid in its final resting place here today. The burial occurred after a sermon and prayer by Doctor Mass, the Evangelical Lutheran chaplain of Heidelberg.