

CIRCULATION
Daily average net paid circulation for month ending May 31, 1925
6738
Average daily distribution 7073.
Member Audit Bureau of Circulations.

Capital Journal

FAIR TONIGHT
Tonight and Wednesday, low humidity, light dry north winds with increasing fire hazard.
Local: Max., 51; min., 48; rain, none; river, .4; almost clear; wind, northwest.

FORTY-SEVENTH YEAR No. 149 SALEM, OREGON, TUESDAY, JUNE 23, 1925 PRICE THREE CENTS ON TRAINS AND NEWS STANDS FIVE CENTS

TO FORCE SPECIAL ELECTION

RETURN OF BANK OFFICE AGAIN SOUGHT

First Case Tied Up By Appeal On Contempt Case In Supreme Court—New Suit Filed.

A second action to compel the return of the office of the state banking department to Salem from Portland, where it was recently moved by Frank Bramwell, state banking superintendent, was initiated here this afternoon when District Attorney John Carson acting upon relation of George Putnam, editor of the Capital Journal, filed mandamus proceedings directed against Bramwell and Sam Koser, secretary of state and custodian of the state capitol building, to compel compliance with the state banking code enacted by the last legislature requiring the maintenance of the main office of the department here.

The suit is similar to a previous mandamus action brought on relation of Mr. Putnam, except that it seeks action under the new law, whereas the former suit was brought prior to the effectiveness of the revised statute, which went into effect May 25.

The complaint alleges that in maintaining only a desk in the capitol building Superintendent Bramwell is not complying with terms of the new law, which specifically requires that the main office of the department shall be maintained in Salem, but that a branch may be established in Portland. The act also requires that the secretary of state furnish suitable quarters for the main office in Salem.

In the first action brought under the old law Bramwell filed an affidavit of prejudice against Circuit Judge McMahan, and when he failed to comply with the court's order to appear and explain his grounds for alleging prejudice he was cited for contempt of court and fined \$50. The contempt finding was appealed and now is in the hands of the supreme court where a ruling is sought as to whether cause for affidavits of prejudice must be established.

In view of the fact that this question of prejudice is already before the supreme court, it is anticipated that Judge McMahan will set aside in favor of another jurist if another affidavit of prejudice is filed and allow the mandamus action to go to trial on its merits.

TODD TO TALK ABOUT RECALL

Kelso, Wash., June 23.—A. Ruric Todd, recalled mayor of Kelso, who claims he still is the city's chief executive because the election by which he was recalled was illegally conducted, will make a definite announcement tomorrow morning of his plans for the immediate future as relating to his claim to the mayor's chair, he announced today.

A public meeting at which Todd and John P. Casey, Seattle attorney and supporter of the recalled mayor, will be principal speakers, will be held in the city park tonight, it was stated.

The Coville County News, which was published by Thomas Doversy, mysteriously slain last Friday night will be issued this week under the auspices of the Public Welfare League, of which Doversy was executive secretary.

Gervais Union School District Held Dissolved

JAP CONSULS ATTACKED BY CHINESE MOB

Serious Situation In Three Cities In South China Where Japanese Are Stoned.

Possibly serious developments in the Chinese situation were indicated today by reports, in some cases not confirmed of attacks upon Japanese officials in three cities in South China. In one case, the stoning of a Japanese consul at Chingkiang, an apology was demanded and it was intimated Japan might take strong action if the apology were not made.

Reports from Ningpo described the anti-foreign movement as rampant and said rioters looted a foreign mess there. Japanese consuls were reported to have been stoned both at Chungking and Chingkiang. A Japanese customs commissioner was reported killed and two Japanese injured at Wuchow. This report was not confirmed.

Open Negotiations. At Peking the diplomatic corps decided to open negotiations with the Chinese government regarding responsibility for the recent Shanghai strike troubles and for subsequent developments.

At the same time the diplomatic corps sent to the Chinese foreign office a note refusing to accept responsibility for the delays in settling the Shanghai question. The note also charged the Chinese foreign office with narrating a version of the Shanghai incidents that does not accord with the facts.

Attempting to extend the anti-foreign agitation to Manila, Shanghai radicals today cabled to comrades in the Philippine city urging a general strike at Manila, beginning June 25.

Proclaim Martial Law. Shanghai, China, June 23.—(A. P.)—Martial law has been proclaimed here.

DOT PERKINS GETS 5 YEARS

New York, June 23.—Dorothy Perkins, 17-year-old slayer of Thomas Templeton, her young unwelcome editor, is to serve from 5 to 15 years in prison but Michael Connors, 49, a married man whose attention she preferred, is facing the prospect of punishment too.

Assistant District Attorney McDonald said an indictment charging criminal assault would be sought against Connors, who is now serving a sentence for wife beating.

The beginning of the girl's term at Auburn prison is being held in abeyance pending the shaping of the case against Connors.

Bank Robbers Shoot Up Town, Dynamiting Vaults, Secure \$70,000

Freeport, Ill., June 23.—Five bank robbers held the town of Shelbyville, Wis., in a lead mining section, in terror for more than an hour early today, blew open the vault in the First National bank and escaped with loot supposed to amount to \$70,000.

Residents of Shelbyville, a little town of 1200 population in southern Wisconsin were fired upon by two of the robbers, armed with shotguns who stood on guard. Two of three explosions partly wrecked the bank building. The pair on guard duty fired a number of shots when townspeople aroused by the explosions about 3 a. m. appeared at doors or windows. No one was wounded. Before entering the town, the telephone wires were cut. There is no night policemen on duty.

Bond Salesmen Arrested on Wire From Los Angeles

Acting on information in a police bulletin from Los Angeles, the Salem police department and State Traffic Officer Reinhardt yesterday afternoon cooperated in the arrest of Mr. and Mrs. Dale Williams, Harry Van Gelder and Miss Mary Bligh, who were apprehended on the Pacific highway north of Salem. The four were held in the city jail last night in compliance with instructions in the bulletin, which stated that an embezzlement charge had been lodged in Los Angeles.

The Los Angeles officers were notified of the arrest and early today telegraphic instructions came from the Los Angeles chief of police to release the two women, for the reason that no charge had been made against them. In the meantime habeas corpus proceedings had been threatened to obtain the freedom of the women, but this was dropped when the request for their release came from Los Angeles.

It is believed that a strenuous fight against extradition will be made, with considerable possibility of success, because of the nature of the case. Williams and Van Gelder, it appears, were employed as bond salesmen by a Los Angeles firm.

DEFENSE FOR SCOPES PERFECTS WORKING COURSE

Dayton, Tenn., June 23.—Although details yet remain to be worked out, it became known early today that the defense attorneys for John T. Scopes, charged with violating the Tennessee law prohibiting the teaching of evolution in state public schools, have completed a working course.

The remainder of the conference today, it was indicated, will be given over to the working out of various details, determining just what experts along scientific and religious lines will be called and looking toward the naming of individual expert witnesses.

One difficulty is confronted in this respect, attorneys for the defense indicated. Scientists, they said, had particular dislike for attorneys and a distaste for appearing in courtrooms for the purpose of answering questions and listening to legal quibbles.

The defense will take up the question of the constitutionality of the law.

Scientific experts will be brought to testify to the effect that virtually all that science touches upon the theory of evolution. This they will argue, virtually would prevent the teaching of all scientific subjects in the high schools and colleges of Tennessee.

A third point to be brought out by the defense will be based upon the difference constructions that may be given the biblical account of creation. In connection with their presentation of this phase, the defense indicated that many biblical authorities and divinity students will testify.

Through the construction of the Tennessee law, it is pointed out, no particular version of the bible is proclaimed. It might apply equally to any other, to either the Greek bible, the King James version or any other of several translations.

Bend, Or., June 23.—Fire at 2 o'clock this morning almost completely destroyed the Central Oregonian, weekly newspaper at Prineville. The loss is estimated at between \$5000 and \$6000 by R. H. Jones, editor and publisher.

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SHEPHERD ON STAND DENIES ALL CHARGES

Accused Man Asserts Never Used Germs Or Poisons To Kill Boy Who Willed Him Estate

Chicago, June 23.—(A. P.)—William D. Shepherd took the witness stand today and denied every detail of the state's accusation that he slew his millionaire foster son, Billy McClintock, with typhoid bacilli.

In three minutes in the witness box Shepherd denied he had used germs or poisons to kill the boy who willed him his rich estate, or had caused death in any other manner, thereby covering each of the 22 counts in the formal indictment. He denied further that prior to his arrest he ever had seen Charles C. Falman, who a few days ago told the jury he gave germs to Shepherd and taught him how to kill with them.

Court Room Crowded. A crowded room of spectators who had fought for admission on the day of days of the five weeks of the trial strained forward tensely as Shepherd was called.

A great mass of a man, wide and of stocky build, curly iron grey hair, his face chalky white with its prison pallor, Shepherd smiled leisurely to the witness box.

"Did you murder Billy McClintock?" asked William Scott Stewart.

OFFERED \$5000 FOR WIFE'S DEATH

Kansas City, Mo., June 23.—The Kansas City Journal today prints a copyright story detailing a confession of Charles D. Davies, prominent Concordia, Kan., resident, that he hired a Kansas City gunman to slay his wife in order to obtain her property and of his subsequent blackmailing by gunmen and their associates when the attempt at murder failed.

Davies and seven Kansas City men were alleged to have been involved in slaying plot against Mrs. Davies, were charged with assault with intent to kill in charges filed last night at Concordia.

BIDS OPENED UPON OREGON ROAD PROJECTS

Portland, June 23.—Bids were opened on four road projects by the United States bureau of public roads here today. Low bids follow:

Hanser—Douglas county line, Roosevelt highway, 7.7 miles of surfacing, I. R. Tower, \$52,532; Cloud Cap Inn, 10.6 miles of surfacing, Dozert and Cooper, \$58,385; Detroit-Niagara, 12 miles of surfacing, Johnson Contract company, \$2,121,000; and Handle-Yakima Wash., four miles of grading, Ivor J. Roeten \$65,585.

French Deputies Mix In Free for All Fight Over Moroccan Issue

Paris, June 23.—(By Associated Press)—Today's session of the chamber of deputies considering the Moroccan question broke up in a free for all fight when the white haired Colonel Frost, deputy of the right bloc, rushed to the rostrum and slugged the communist deputy, Doriot, squarely in the face as the latter was attacking the French government.

Doriot staggered but clung to the rostrum until 25 deputies were there, milling around, wrestling and hitting each other wildly.

Central Pacific Asks Permission For Construction

Washington, June 23.—(By Associated Press)—The Central Pacific railroad asked the interstate commerce commission permission today to construct forty miles of new railroad from Klamath Falls, Ore. to Cornell, Cal. The line will allow the Southern Pacific system, of which the Central Pacific is a part, to maintain direct line service between San Francisco and Ogden, Utah, besides developing central Oregon.

HEAR PETITION OF WOMEN FOR 5 CENT FARES

Portland, Or., June 23.—The petition for five-cent car fare, filed three years ago with the public service commission by the Housewives' Council, came up for hearing today. The car fare in Portland has been 8 cents since 1920.

Mrs. Josephine Othms, president of the Housewives' Council, requested the reading of the three-year old complaint.

"Three years is a long time," she said, "between the filing of a complaint and the hearing on it. The data gathered then is out of date. We had an attorney then, but have none now; we are throwing ourselves on the mercy of the commission."

Mrs. Kate Bonham, member of the council, followed the reading of the petition with reading of a survey made by mail in other cities throughout the country.

The council restated its argument with the resumption that the present car fare is "unreasonable, unlawful" and injurious to Portland and the state.

H. D. Wagner urged the public service commission to recommend purchase of the Portland Electric Power lines by the city. He asked that a five-cent fare, with possible deficits to be made up from the general fund, be stipulated. He said he intended to introduce witnesses later in the hearing to strengthen his argument.

RAILROAD DENIES KLAMATH STORY

Klamath Falls, June 23.—A youthful and impressive reporter was believed by Southern Pacific officials to be responsible for the unverified and unauthorized report emanating from here last night to the effect that the Southern Pacific is filling in lowlands here preparatory to building a terminal, roundhouses, shops and other railroad buildings and equipment.

Instead of all these facilities, rail officials said, a gravel train is being used to haul gravel at various points along the Weed-Klamath branch to strengthen the roadbed.

The gravel train is laying over in Klamath Falls at night and this practice is believed to have inspired some embryonic reporter to start building shops and terminals—on paper.

French Deputies Mix In Free for All Fight Over Moroccan Issue

A turmoil of deputies then surged in the open space below the rostrum and it was ten minutes before the waters could break up the various fights and President of the Chamber Herriot could adjourn the session.

With folded arms, Premier Painleve, and Foreign Minister Briand watched the fight.

Before the disturbances started Premier Painleve had commenced a speech on the Moroccan situation. He said France must present a solid front in Morocco.

"If we took the least initiative toward peace negotiations," he said, "our action would be interpreted as weakness and make our situation more difficult."

CHERRY DEAL CONTRACT IS JOKER PACT

Denney & Co. Agreement So Unfair As To Render It Invalid; Growers Assume All Risk.

With cash offers of eight and eight and a half cents for black cherries for fresh shipment being made here today, growers who contracted their cherries earlier in the season to Denney and company on a consignment basis are beginning to look at their hole card, and hunt around for the "joker" in the contract that guarantees them not to lose for their fruit.

The Denney contract is one of the most vicious from the standpoint of the grower that has been offered here in years.

Under its terms the grower is, or rather is supposed to be, bound to deliver his cherries to the company if the company so desires, but the company is in no manner bound to accept the cherries if for any reason it does not wish to do so.

One Sided Contract. So one-sided is the contract that local attorneys who have been asked to examine it have declared that in their opinion it cannot be enforced, on the theory that no contract which does not bind both parties is valid and binding. In this contract the company is not bound to do anything except pay an advance of 2 1/2 cents for each cherry as it elects to receive. The grower is bound to not only deliver his cherries, but also to finance the company in its marketing operations, leaving the grower to shoulder all of the hazards.

The contract calls for the delivery of the cherries by the grower in good condition for what appears to be a cash advance of \$1.12

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LOST AIRPLANE OF AMUNDSEN CRUSHED IN ICE

Kings Bay, Spitzbergen, Saturday, June 23.—(A. P.)—Delayed by a blizzard, the Amundsen-Ellsworth north pole expedition by this time probably had been crushed by the ice in which it was left fast and parts of it may eventually drift westward and be cast up somewhere on the Greenland coast.

This is the view taken by the members of the Amundsen party who returned here Thursday on their remaining plane.

The story told by the returning explorers showed that trouble for the party began early, when the machine Amundsen, leader of the expedition, was occupying, with Lincoln Ellsworth, companion explorer with Amundsen in the expedition, Omdahl was pretty far gone when he was pulled from the water.

The motor of this machine, it was stated, suddenly developed a defect, necessitating a forced landing on a narrow strip of water between two moving masses of ice.

Nobody was hurt but the party had to move quickly and abandon the plane and everything it could not carry in the way of food and equipment and dash for safety. They were separated by some distance from the other plane, the occupants of which were unable to see them.

In crossing new ice in the attempted salvage work that followed, Lief Dietrichson, pilot, and Oskar Omdahl, mechanic, broke through into the water and were rescued with great difficulty, mainly by the heroic efforts of Lincoln Ellsworth, companion explorer with Amundsen in the expedition. Omdahl was pretty far gone when he was pulled from the water.

This is the first dispatch from the Associated Press staff representative at Kings Bay that the press agent of the Norwegian Aero club, which controls the transmission facilities from Spitzbergen, has permitted to come through since Amundsen's return.

Mrs. Gordon Elected. Edinburgh, Scotland, June 23.—(A. P.)—Miss Anna Adams Gordon of Evanston, Ill., was re-elected president of the World's Women's Christian Temperance Union today.

PIERCE VETO ATTACKED BY MANDAMUS

Proceedings Brought To Force Calling of Special Election To Vote On Referendums.

Contending that Governor Pierce did not have a constitutional right to veto the bill passed by the 1925 legislature calling a special election in September, an original proceeding in mandamus was today filed in the supreme court demanding that Secretary of State Koser call a special election on the second Tuesday of next September. The petition was filed by Attorney John H. McNary of Salem on behalf of L. L. Swan of Albany, a member of the legislature, who appears as the petitioner.

The order was signed on presentation by Chief Justice McBride. It demands that the secretary of state appear on June 26 and show cause why the special election should not be called.

Seek Early Election. The act of the legislature which was vetoed by the governor provided that the special election should be called in event the referendum was invoked against any of the revenue producing measures that were passed by the legislature, having particular reference to the tobacco tax act, the bus bill and the "lithing" bill, the latter requiring that self-sustaining state activities pay 10 per cent of their proceeds into the general fund of the state. On all of these measures the referendum has been invoked. Since the governor had vetoed the special election bill the revenue from all these measures was considered to be cut off until after the general election in November, 1926, thereby throwing the state's financial condition into a serious tangle and making a state deficit of over \$600,000 by the end of 1926 almost certain. If the mandamus action filed here today

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CO-RESPONDENT IN DIVORCE CASE UNDER ARREST

New York, June 23.—(A. P.)—Names as co-respondent, Talbot W. Chambers, coal dealer, has been arrested as the result of his testimony of his relations with Mrs. Thomas H. Symington, who is being sued for divorce by her husband, a wealthy railroad equipment manufacturer.

Chambers faces a penalty of \$500 fine or two years imprisonment, or both under the law, invoked now for the first time, holding co-respondents responsible for action revealed in divorce action.

Edward Hackett, elevator operator in the Symington apartment building, was corroborated Chambers' statements, has also been arrested as a material witness and released on \$500 bail. Chambers was released in \$1000 bail.

The startling turn in the trial came after adjournment yesterday when Hackett substantiated Chambers' testimony of last Friday that the latter had misconducted himself with Mrs. Symington on two occasions.

Hackett said he was a soda dispenser at Mrs. Symington's and that Mr. Symington had paid his expenses to come to New York to testify.

Counsel for Mrs. Symington asked Justice Ford, hearing the case, to sit as a committing magistrate and requested the warrants.

Justice Ford as a state senator introduced the state adultery bill in 1926.

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