

CIRCULATION
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month ending September 30, 1925
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Capital Journal

FAIR TONIGHT
And Saturday, moderate temperature,
light easterly winds.
Local: Max., 66; min., 37; rain, none;
river, -2.3; atmos., clear; wind, NW.

Forty-seventh Year No. 247 SALEM, OREGON, FRIDAY, OCTOBER 16, 1925 PRICE THREE CENTS ON TRAINS AND NEWS STANDS FIVE CENTS

JURY VENUES EXHAUSTED

MURRAY COOL WITH DEATH FACING HIM

Convict Shows No Emotion As Jury Writes Climax To Career of Crime In Murder Trial.

(By Harry N. Crain.)
Before a gathering that contrasted sharply with the crowds that have viewed his trial for the murder of Guard John Sweeney in the prison breach of August 12, a jury of 12 Marion county citizens—three women and nine men—last night wrote a dramatic climax to the five-year crime career of Tom Murray, 22-year-old convict.
There were scarcely a score of people in the court room of department No. 2 of the Marion county circuit court at 9:05 o'clock when Judge Percy R. Kelly, who presided over the trial, received the verdict which was to condemn Murray to the gallows from the hands of the jury foreman, Murray sat in the chair he had occupied since the first day of the trial beside his attorney, Will R. King, displaying his usual indifference except that he kept his eyes on the table in front of him and rubbed his hands together nervously. Scattered about the inclosure within the railing, and visibly more affected than the defendant, were the attorneys for the state, officials of the court and four newspaper representatives.
An oppressive silence spread over the room as the jury filed into the box. An Judge Kelly received the verdict and glanced over its contents before passing it on to the clerk to be read his head jerked sharply erect in an involuntary motion.
"Guilty as charged in the indictment," the clerk read.
Murray sat silent, staring at his hands for a matter of seconds, then turned to his attorney and smiled. He made some remark not distinguished to others in the room. Judge Kelly dismissed the jury and they filed from the room. As they left Deputy Warden Little and two guards advanced toward Murray with handcuffs. He rose, placed his prison cap upon his

GOOD EVENING WORDS and MUSIC

By Stoddard King
HIGHER EDUCATION
Of course we're aware that the colleges err in featuring football and crew. And in letting the papers create a big stir over athletics and things that they do. We've read what the members of faculties say. Of this great educational shame. And we know what the best universities pay to prepare their young men for the game.
But we also take note that the colleges refrain from asking that coaches resign. And we've noticed professors act shyly humane when the ball's on the 20-yard line. We've seen that a student is seldom expelled for a goal he cleverly kicked. And that meetings of protest are not often held.
When the visiting team has been licked.
The system is most unmistakably wrong. And clamors for instant reform. But all such discussion appears to belong to the months that are hazy and warm.
For when in the autumn the colleges start to practice their tricky formations. No one on the sidelines has quite got the heart.
To object to athletic relations.
The college yell of the diplomatic college, we suppose, is a well-bred whisper, and its favorite fraternity is Phi Phi.

BOY VETERAN OF 35 RUNAWAYS IS RETURNED HOME

Little 11-year-old Jimmy Melvin, runaway Portland boy, with 35 runaways to his admitted credit and a hankering to be enrolled in the reform school gnawing in his breast, displayed the acrobatic antics of an acrobat yesterday when his father, arrested to take him back to his home in Portland.
While the father sat beside the youngster and the tears were rolling down the paternal cheeks, as the father begged the boy to come home willingly, the lad sat like a wax figure, unperturbed and undisturbed.
"I don't want to go home. I want to go to the reform school," was the only answer the lad made to his father's pleas.
The father took him, anyway, in another effort to straighten the lad up and relieve his mind of his hard-boiled attitude.
Little Jimmy has been making an earnest endeavor to get into the reform school for some time and boasted that he had endeavored to burglarize a store so he could get there. The authorities, however, blocked his game by sending him to the Fraser home.

M'NIDER ASSUMES OFFICE

Washington, Oct. 16.—(A. P.)—Hamford S. M'Nider of Iowa took the oath of office today as assistant secretary of war in charge of industrial mobilization phases of the national defense.

All But Two Bearcats Of Team of '95 Report For Game Tomorrow

With a letter received this morning from R. Guise of the 1895 Willamette university football team, only two members of the team remain who apparently will not be on hand for the alumni game and reunion Saturday. It was stated to be by Guy Rathbun, Willamette coach. "You can count on me," says Guise, writing from Woodburn "to be in on that last touchdown with the boys of '95." R. Guise, whose first name is pronounced "Art," played right end and was acknowledged to be the fastest man on the team.
The old players refuse, however, to appear in suits, even for a few minutes. "You will get me in no suit," says Chester Murphy, writing from Portland, where he has been an attorney for a number of years. "I have entirely too much respect for my insurance company."
The two who will not be in Saturday's lineup, according to Rath-

SEARCH FOR SUBMARINE CREW SHORT

Survivors Say Captain of City of Rome Called In Life Boats After Search of 20 Minutes.

Boston, Oct. 16.—(A. P.)—"I don't give a damn for the ship but I am sorry for the boys," Captain John Diehl, commander of the City of Rome, said to Michael Lira, the first of the three S-51 survivors to be taken aboard the steamer, the latter testified today before the naval board of inquiry which questioned concerning conversations with the Rome officers.
Lira said that the crew of the City of Rome's lifeboat almost swamped the craft when they picked him out of the water after the submarine sank. The witness said that the lifeboat's search for survivors lasted only 20 minutes.
Only three Asleens.
Only three of the 36 members of the crew of the S-51 who were asleep when she was rammed by the City of Rome got out before she sank. Dewey G. Kile, a survivor, testified.
Kile, an engine room first class, said he was asleep when the steamer struck the submarine. He thought the submarine had grounded.
He said he climbed to the bridge through the conning tower hatch and was swept over the port side in 15 seconds. He was the last to leave the submarine, he said, and only two others preceded him.
He testified that he was partly clothed and that he remained swimming and floating for 45 minutes before a lifeboat from the City of Rome picked him up.
No Searchlight Used.
While he was in the water, he said, he saw no life preservers or searchlights playing from the steamer. The submarine's lights, he said, were burning when he left the battery room to mount to the bridge.
Two hours before, he testified, he was relieved from his engine room watch and went to the bridge to smoke a cigarette before turning in. At that time, he said, he noticed the submarine's stern light burning. He did not look at the lights forward.

NEGRO CHURCH WRECKED BY DYNAMITE BOMB

Chicago, Oct. 16.—(A. P.)—The Bethesda Baptist church, large community center in the south side negro district, was wrecked in an explosion of a dynamite bomb, which caused damage estimated at \$100,000 early today. No injuries nor fire resulted. The church, purchased by its negro congregation after it was abandoned as a synagogue was bombed a year ago. At that time the police attributed the attack to a racial prejudice.

HOY GIVEN YEAR ON DELINQUENCY CHARGE IN POLK

Dallas, Ore., Oct. 16.—Entering a plea of guilty to the charge of contributing to the delinquency of a minor, Leland Hoy was sentenced to one year in county jail and given a fine of \$1,000 by Judge Bagley of Tillamook and Washington counties, in Polk county circuit court here today.
Simultaneously with pronouncing the sentence, Judge Bagley paroled Hoy from the jail sentence, and indicated that he would be excused from paying some or all of the fine. He would decide how much of the fine he would be required to pay. Judge Bagley stated, by looking up a similar case recently decided in Tillamook county.
The court stipulated that Hoy must pay all court costs.
Hoy had originally entered a plea of not guilty when arraigned before Judge Bagley of this county. Hoy's attorney filed an affidavit of prejudice against Ramsey, with the result that Bagley was brought from Tillamook to preside over the case. Upon appeal, Hoy changed his plea to one of guilty before Judge Bagley, Hoy immediately

SHANGHAI IN HANDS OF NEW COMMANDER

General Sun Chuan-Fang At Head of Army of 10,000 Occupies City Without Firing Shot.

Shanghai, Oct. 16.—(A. P.)—Shanghai, gateway port of China, fell into the hands of a new military ruler today. General Sun Chuan-Fang, the Chekiang commander. Without firing a single shot, 10,000 of his troops took possession of the city while 15,000 troops of General Chang Tsolin who have held the city for many months, withdrew toward central China.
More than 80 Chinese sentenced to death were turned over to foreign authorities by General Shing Shih-lin, the retiring commander, who was unable to execute the offenders after sentences had been imposed by mixed courts.
The change of military rulers in Shanghai was not without disorder, however. A train on the Shanghai-Nanking railway on which Silas H. Strawn of Chicago, American delegate to the Chinese customs conference at Peking, was riding was seized by Chinese soldiers. Mr. Strawn, his daughter and Mahlon F. Perkins, technical expert of the state department were forced to return to Shanghai before they were allowed to proceed on their journey.
Authorities at the international settlements here today started adopting precautionary measures. All defense units were ordered to stand by and barricades of barbed wire were erected about the settlement boundaries.
While Shanghai is the center of a maelstrom of militarist activity, it appeared evident tonight that any real warfare would be fairly remote.
Late messages tonight reported that Fungtseung troops (of General Chang) were continuing their retreat beyond Soochow, where the railway line meets the Grand canal. It apparently was their purpose to establish a defense line no closer to Shanghai than Wushu, 50 miles away.
The retreating troops were reported blowing up bridges and tearing up rails to impede the following Chekiang forces. The retreat also was said to be accompanied by considerable looting. Traffic between populated centers was wholly suspended, due to the troop movements.
Mr. Strawn and his party arrived in Nanking safely and intended to depart for Peking tonight, taking the train at Pukow, across the river from the Kiangs' capital.
The foreign settlements here were tranquil tonight.

LABOR CONDEMNS RAILROAD BOARD

Atlantic City, N. J., Oct. 16.—The American Federation of Labor at its concluding session today, voted its condemnation of the transportation act and the railroad board. The board, said a committee report, no longer has the respect or support of any political party and "its abolishment would be but the painless excision of a dead and withered appendix."
It was voted to urge union organization to permit the promulgation of social legislation to supersede the trade union's own purpose of fostering self-reliance and self-help.
The federation voted to ask its executive council to continue organization work in Porto Rico.
A congressional investigation of the Bell Telephone system was urged. "The company," said a report, "has a monopolistic grip on a vital public service and has become year by year, more arrogant, more arbitrary and more detrimental to the progress and welfare of the country."

ADS FOR HUBBY FERTILE REPLIES COVER NATION COMPLICATIONS ARISE

When Miss Jordan, or Mrs. Jordan, or whoever it was mailed an advertisement to The Capital Journal last Tuesday asking for a husband, selects one of the many applicants clamoring for the place, what will she be getting for the \$400 which she offers for a spouse for a period of three months?
The question was raised by local attorneys this morning, who express serious doubt as to whether there will be any legal way to separate the new bridegroom from the bride at the end of the specified three months. What might be considered even more to the point, they see no way by which the bride can keep to herself the entire estate which she declares in her advertisement she will acquire simultaneously with her husband.
"Marriage is intended under the law to be a permanent proposition," they say. "As a general principle, no agreement reached before hand to limit the marriage relationship in any way would be legal." They express serious doubt as to whether a contract such as was entered into recently providing that neither party had any rights in the other's property, will stand in this state.
Despite any previous agreement to the contrary, then, upon becoming a bride Miss Jordan may find that her husband, in addition to the \$400 which she promises him, may get a definite share of her estate. Upon the event of her death, if no children are involved, he will get the entire estate. In case she makes a will leaving it to someone else the husband may legally file a statement with the court stating that he rejects the terms of the will, and prefers to have the property distributed under the law.
If there is a child resulting from the marriage, the husband will get, outright, one-half of every thing except land belonging to the estate. So far as the land is concerned, he is entitled to the use.
(Continued on Page Nine)

FIND 2 DEAD BY ROADSIDE

Bodies of Youth and Girl Found in Car; Murder and Suicide Theory Is Advanced.

The Dalles, Ore., Oct. 16.—(A. P.)—Harold Steel, 26, and Miss Cressa Crane, 17, were found shot to death in an automobile on a road in a remote district on Benson hill, four miles south of the Dalles today. Coroner C. M. Zell, who brought the bodies to this city, expressed the opinion that Steel had shot the girl and killed himself.
The bodies were found by Paul Leinke, who drove past the marked car and saw the two seated side by side. He went on, paying no further attention at the time, but when he passed later on, his return and saw the young man and girl in identical positions he investigated and found them dead.
Steel had been employed at The Dalles by the Great Southern railway. He drew his pay yesterday, saying that he was going to be married. Miss Crane was a student nurse at Hamilton hospital at The Dalles.
A note found in her pocket, stating "please notify Hamilton hospital," caused authorities to believe that she had been anticipating trouble of some kind.
The girl was shot in the temple and the youth had a bullet in his head.

OREGON TAXES ARE ANALYZED

Summary of Finances For Year Ending September 30, 1924, Announced By Federal Bureau.

Washington, Oct. 16.—(AP)—The department of commerce has announced a summary of the financial statistics of the state of Oregon for the fiscal year ending September 30, 1924.
The payments for maintenance and operation of the general departments of Oregon for the fiscal year ending September 30, 1924, amounted to \$2,195,281, or \$11.06 per capita. This includes \$429,496, apportioned for education to the minor civil divisions of the state. In 1923 the comparative per capita for maintenance and operation of general departments was \$12.64, and in 1917, \$5.99. The expenses of public service enterprises amounted to \$1,520; interest on debt \$2,675,806, and outlays for permanent improvements \$7,631,590. The total payments, therefore, for expenses of general departments and public service enterprises, interest, and outlays were \$19,517,797.
Of the governmental costs reported above, \$8,472,104 was for highways, \$1,536,640 being for maintenance and \$6,935,464 for construction.
The total revenue receipts of Oregon for 1924 were \$29,211,152, or \$24.30 per capita. This was \$3,325,935 more than the total payments of the year, exclusive of the payments for permanent improvements, and \$2,619,445 less than the total payments including those for permanent improvements. Property and special taxes represented 28.4 per cent of the total revenue for 1924, 45.3 per cent for 1923, and 64.7 per cent for 1917. The increase in the amount of property and special taxes collected was 177.8 per cent from 1917 to 1923, but there was a decrease of 2.1 per cent from 1923 to 1924. The per capita property and special taxes were \$9.23 in 1924, \$9.65 in 1923, and \$3.79 in 1917.
The net indebtedness (funded debt less sinking fund assets) of Oregon on September 30, 1924, was \$1,553,377, or \$49.94 per capita. In 1923 the per capita debt was \$49.82 and in 1917, \$0.65.
For 1924 the assessed valuation of property in Oregon subject to ad valorem taxation was \$1,042,410,613; the amount of state taxes levied was \$7,480,170, and the per capita \$8.57.
St. Paul, Minn., Oct. 16.—(A. P.)—The anthracite coal situation in New York state has reached a point virtually parallel to that during the most acute period of the local situation in the winter of 1922-23, the state coal commission announced today, after a conference of representatives.

POWERS SIGN PROTOCOL AND PEACE PACTS

France, Belgium and Germany Enact Treaties Banning War; Britain and Italy Parties.

Lucerne, Switzerland, Oct. 16.—(A. P.)—The security conference this afternoon adopted the arbitration treaties bearing on Germany's eastern frontiers. recess was taken until 6:30 p. m. when the delegates will initiate the final protocol and the seven treaties and then adjourn. It was decided to publish the texts of the agreement in all the European capitals next Tuesday morning.
After the initialling of the Rhine pact and collateral treaties, the conference adjourned shortly before 7:30 o'clock.
Under the western security pact the signatories—France, Germany and Belgium—engage themselves not to attack or invade the other's territory and to abstain from war. Standing in the background was guarantors of fulfillment of the terms of the agreement will be Great Britain and Italy, ready to use their might against any of the signers of the tri-partite agreement which violates its terms.
Should disagreements arise, arbitration between the dissatisfied states is obligatory. The permanent court of international justice, boards of conciliation and the council of the league of nations all are possibilities for settling disputes.
There will be collateral arbitration treaties between Germany and France and Germany and Belgium which will interlock with the Rhine pact itself and also arbitration treaties between Germany and Poland and Czechoslovakia. Separate conventions will be drawn up between France and her eastern allies guaranteeing France the right to aid them if they should meet with unprovoked or flagrant attack.

WILLOS AND KELLEY CASE IS DELAYED

Trial of Companions of Murray In Break Held Up When List of Qualified Jurors Runs Out.

With 11 jurors passed for cause in the murder trial of Edsworth Kelley and James Willos, who were participants in the state prison escape of August 12 last, and who with Tom Murray were indicted for murder in the first degree for the killing of Guard John Sweeney, the panel was exhausted just before noon today and court adjourned until tomorrow. A special venire of 20 jurors was ordered by the court.
The defense has five peremptory challenges remaining and the state three. By stipulation between attorneys for the state and the defense all members of the jury that sat in the Murray trial were excused from the Kelley-Willos case because of the length of the previous trial.
Mrs. W. H. Kelley, 1244 Kirby street, Portland, mother of Edsworth Kelley, was in the court room during the progress of the trial this morning.
Tentative Jury
Jurors now sitting tentatively are Dan J. Fry, Jr., Rachel E. Reeder, Arch Jerman, Charles L. Parmenter, Louise M. Hager, Pearl Allen, John W. Gamble, Jesse W. Savage, L. W. Durant, Eva Cuthbert and Nellie E. Simpson.
One juror, Mrs. Emily C. Rowe, was excused by stipulation of the attorneys for the reason that her religious convictions forbid her to work on Saturdays.
Lawrence A. Byrd, J. J. Mc-

WOULD BAR BOYS AND GIRLS FROM MURDER TRIALS

Disputed at the large number of boys and girls of high school age who either got into the Murray trial or hung around the fringes of the crowd in the courthouse lobby, county officials today were threatening to get in touch with Principal Nelson of the high school to warn him where seemingly a number of students were spending their time and demanding if any are being excused for that purpose to desist from it.
Officials state that a heavy share of curiosity seekers has been made up of boys and girls in their teens and chances are they will be barred from attendance altogether on the further proceedings in connection with Willos and Kelley, Murray's companions in the slaying at the state penitentiary.

Carey Thanks Prosecutor In Murray Trial

"Where's John Carson?" asked R. W. Carey, elderly flower fender of 145 South 14th street, as he came into the sheriff's office this morning, both arms loaded down with enormous dahlia blooms.
"I want to put these flowers on his desk. I want him to know how he did for the citizens and taxpayers of Marion county and the state of Oregon when he secured a conviction against that man Murray."
Carson was not present but the gigantic bouquets were turned over to him by the sheriff when he appeared to go into the courtroom.
"I just wanted to tell him with flowers what I think of him," said Carey as he left the sheriff's office. "I wish I could put them on his desk in the courtroom."

Potomine Poisoning Only Myth, Claim of Medical Authority

"Potomine poison is only a myth." Numerous authorities were quoted to prove this contention by Dr. Milton J. Roseau, professor of preventive medicine, Harvard University, yesterday before the Interstate post graduate assembly of America, which closed its annual session here today.
Potomine was thought to be a degenerate product of protoplasm, but five years experimental work has proved protomine can not yield anything which gives the protomine symptoms, Dr. Roseau stated.
These are due, he said, to infected, not decayed food, but this infection cannot be deterred. The sickness takes the form of pain, vomiting and diarrhea and is seldom fatal, more so now than in the past when food was not so carefully handled, Dr. Roseau

DIVORCE ASKED BY COMEDIENNE FOR EJECTION

Chicago, Oct. 16.—(A. P.)—Ina Claire, comedienne, once the star in "Grounds for Divorce," wants to repeat the role, here, this time in the circuit court. She has filed suit for divorce from James Whitaker, former Chicago newspaperman and music critic, charging desertion and cruelty. They were married six years ago—"a jazz marriage," the actress told a dramatic critic.
"I had always fancied myself parading to the altar in white satin and pearls," Miss Claire said then. "Instead, Jimmy and I motored to Wheaton, Ill., and were married with the chauffeur and a man in blue overalls recruited from the street, as witnesses."
They kept the marriage a secret. The actress' bill, filed through her attorneys since she and Mr. Whitaker are in New York, charged that her husband left July 4, 1923, while they were occupying a "honeymoon apartment" of three rooms. Mr. Whitaker "with great violence and force" elected her, she charged.
Two weeks before, the bill continued, her husband struck her in the face while they were vacationing at Tomahawk lake, Wis.
Against the secrecy of the marriage, Miss Claire once said: "My friends have said that Jimmy should be called 'Mr. Claire.' But he's never called that in my presence and I'm never called Mrs. Whitaker before him. We are the most publicly unmarried couple I know."
"We have two professions, two names, two salaries, but only one home," head, and extended his hands, saying: