

CIRCULATION
Daily average net paid circulation for month ending October 31, 1925
7352
Average daily distribution 7553.
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Capital Journal

FAIR AND COOL
Tonight and Wednesday. Freezing tem-
peratures in east portion tonight, gentle
variable winds.
Local: Max., 55, min., 40, rain, 37,
river, 2.3, atmos., cloudy, wind, south.



FORTY-SEVENTH YEAR No. 262

SALEM, OREGON, TUESDAY, NOVEMBER 3, 1925

PRICE THREE CENTS ON TRAINS AND NEWS STANDS FIVE CENTS

MITCHELL GETS FREE HAND

ZONING PLAN IN PORTLAND HELD LEGAL

Supreme Court Holds City Has Police Authority to Regulate; Case Bears On Local Situation.

The constitutionality of the Portland zoning ordinance was upheld today by the supreme court when an opinion reversing Judge Robert G. Morrow of the lower court was handed down in the case of Ernest Kroner and Frank Michols against the city of Portland, appellant. The opinion was written by Justice Burnett. It was not unanimous. Justices Beau Brown, Cooksey and Holt concurred in the Burnett opinion, while Chief Justice McBride and Justice Klaf wrote dissenting opinions. The decision in the Portland case is of particular interest in Salem in view of the situation existing here. Several months ago the council passed an ordinance authorizing the mayor to appoint a city zoning and planning commission and outlined its powers. Pending a decision on the constitutionality of the ordinance, ordinance Mayor Gleay has delayed appointment of the commission. The plaintiffs in the case are owners of two lots at the southeast corner of East 13th and Pine streets, Portland, where they undertook to construct a creamery. They sued the city when the latter undertook to prevent them from erecting the building. The plaintiffs contended that the zoning ordinance violated both the federal and the state constitutions in that it denied to the plaintiffs due process of law and constituted a taking of their property without compensation, and denied them the equal protection of the laws. "It is plain," says the opinion, "that governmental agencies entrusted with the police power, as the city of Portland is, can enact laws regulating the use of property for business purposes. Otherwise it would be permissible to erect a powder mill on the site of the Hotel Portland or to install a glue factory next to the city hall or to erect a boiler shop adjacent to the First Congregational church. Such things would be legitimate but for the restraint of the police power. The difference between such instances and the present contention is in degree and not in principle. Applied to the present situation, it is very clear that a creamery, with its boilers, milk cans, delivery trucks, process of manufacturing and fire risks of the business, requires treatment in the way of regulation different from

GOOD EVENING WORDS and MUSIC

THE LITTLE STREPTOCOCCUS
The giant gysactus is a most imposing beast. Which needs a brace of elephants to make itself a feast. But the little streptococcus is so very, very small That only in the microscope can it be seen at all.

The giant gysactus when it flourished in the land, Came crashing through the forest, came sloshing through the sand. But the little streptococcus is so very, very still That you can not hear it coming, listen closely as you will.

The coroner's chemist of Cook county, Ill., reports: "We feed moonshine liquor to rats and their hair falls off. It acts the same way on human beings. You used to have to chew a clove Now you have to buy a toupee. Every soldier of the Spanish expeditionary force in Morocco has been ordered to grow a moustache. This will go down in tontorial history with the time the soldiers of the legion lay dying in Algiers. (Copyright 1925)

CLUBS MEET TO DISCUSS LOCAL ISSUES TONIGHT

The public meeting of the federated clubs of Salem tonight at the chamber of commerce rooms will take under consideration not only the question of a community chest for the city, but possibly the much discussed bridge program, the purchase by the city of the local water works, inauguration of a uniform system of street planting, or any other question those present may see fit to bring up. "Whatever they want to discuss at the meeting, we'll discuss, although the meeting is primarily for the purpose of considering the possibility of a community chest for the city," said Dr. Henry Morris this afternoon. Dr. Morris, president of the Salem federation of clubs, has called the meeting. About 50 or 60 persons are expected at the meeting. "Probably one of the first things we will discover will be the fact that a community chest is not a cure-all," says Dr. Morris. "I feel that we will have to look into this thing very carefully from the small town standpoint before we adopt it at all. I believe, also, that we can hardly expect to get it into operation before next year."

HEAVY SNOW IN EASTERN OREGON

Pendleton, Nov. 3.—Pendleton and most of Umatilla county lies under a white blanket as the result of snow that fell here early this morning. Nearly an inch of snow fell, the fall ceasing shortly after seven o'clock. This snow constitutes the first real moisture that this area has had for some months. Klamath Falls, Ore., Nov. 3.—A two inch fall of snow blanketed Klamath Falls this morning and with the weather cold and cloudy there was every indication the snow would remain throughout the day with another fall predicted for tonight. La Grande, Ore., No. 3.—Winter, after delaying its first appearance in this section for a few weeks, descended upon the Grande Ronde valley this morning. Snow began falling at about 7 o'clock, with the temperature below the freezing point. Hardly discernible at first, the flakes began growing larger until by 9:30 a. m. half an inch of snow covered La Grande, with the snowfall increasing. No wind was noticeable.

NEW FRENCH CABINET TO FORCE VOTE

Second Painleve Ministry Outlines Policies And Demands Immediate Action By Deputies.

Paris, Nov. 3.—(A. P.)—The chamber of deputies tonight gave a vote of confidence to the new Painleve cabinet. The vote was officially announced as 221 to 159 in favor of the government with 121 deputies abstaining from voting. Paris, Nov. 3 (A.P.)—The second Painleve ministry may know its fate late this evening. The premier, having accepted immediate discussion of interpellations on his general policy intends to push it through to a vote before adjournment of the chamber.

Polices Announced

Paris, Nov. 3.—(A.P.)—Restoration of the French treasury and improvement of the French financial situation, of which the American debt settlement is one of the most important features, dominates the ministerial declaration with which the second Painleve cabinet faced parliament today. Although emphatic in expressing determination to arrive at a different settlement of the debts to America and England, the declaration does not mention the means by which the settlement may be reached. It says: "However great might be the internal effort of the country, it cannot differently shelter the franc from all risk so long as we have not concluded an accord on the war debts with the great friend by nations."

Debt Settlement Aim

"Therefore, we intend resolutely to pursue, with the determination necessary to complete it, an equitable solution of the negotiations begun in London and Washington by the preceding government." "The effort that the nation itself will make to save itself will at the same time be the best guarantee for the success of the negotiations." Solution of the financial crisis, the government holds, depends upon a sacrifice, "national exceptional and immediate, to the end that the debts be reduced, the franc stabilized and the budget balanced."

Would Tax Wealth

For reduction of the debts, the government proposes taxation on all forms of wealth, the proceeds to be applied outside of any budget requirements solely to debt reduction and to be independent of all state control. The Moroccan menace has disappeared, the declaration says, but it is less optimistic concerning Syria, where it admits that "grave events have occurred." The government says in this connection it will maintain calm, absolute impartiality and restore peace in Syria. Concerning the events themselves, the government is seeking precise information with which it will inform parliament, and will take the necessary measures to prevent recurrence of the trouble.

Voters of New York Pass Judgment on Al Smith's Policies

New York, Nov. 3.—(AP)—Governor Al Smith's battle for a new democratic mayor of New York was before some 1,200,000 voters today for decision. The voters of the entire state passed upon his efforts to amend the state constitution. Tammany Hall was highly confident of electing as mayor State Senator James J. Walker, former song writer and sponsor of legislation permitting boxing and Sunday baseball and movies. Tammany predictions of Walker's plurality ran from 300,000 up. Walker was a 15 to 1 favorite in speculation. Some republican

PROHIBITION AND KLAN ARE ISSUES AGAIN

Modification Of Volstead Act And Control By Ku Kluxers At Stake In Elections Today.

Washington, Nov. 3.—(A. P.)—Prohibition and the Ku Klux Klan furnish the issues in some of the more spectacular of the election contests which are to be decided today in 13 states. The wet and dry question is right at the front in the New Jersey gubernatorial contest with Harry Moore, the democratic candidate, declaring for modification of the Volstead act, and repeal of the state enforcement act, and State Senator Arthur Whitney, republican, favoring enforcement of both of those acts. Klan Raises Head. The Ku Klux Klan has been raised in the majority fights in Detroit and Louisville, Ky. Prohibition also has figured in the Detroit contest. The campaign for mayor of New York was between State Senator James J. Walker, democrat, and Frank D. Waterman, republican.

Klan Raises Head

The Ku Klux Klan has been raised in the majority fights in Detroit and Louisville, Ky. Prohibition also has figured in the Detroit contest. The campaign for mayor of New York was between State Senator James J. Walker, democrat, and Frank D. Waterman, republican. On grounds that the ordinance is in conflict with the state automobile transportation law administered by the public service commission, Mayor Gleay last night vetoed the bill making the annual license fees of Salem taxicabs \$50 instead of \$25. The bill would be a tax for revenue and not for regulation, he said, and cited the fact that the title of the bill uses the word "tax." The veto was sustained. When the state fair approached the council as usual increased taxicab fees from \$25 to \$100 a year for the purpose of keeping taxicabs from other cities out of Salem during state fair week. After the fair a bill was introduced to reduce the license fees again, but to \$50 instead of \$25. This was the bill vetoed by the mayor. He said that a bill would be brought in at the next meeting to put the fee back to \$25.

TWO GOVERNORS CHASE SHOOT AT PORTLAND SHOW

Portland, Or., Nov. 3.—(A. P.)—Governor U. C. Moore of Montana and Governor Walter M. Pierce of Oregon, the one an ardent advocate of the merits of the Aberdeen-Angus as beef stock and the other of Herefords, arrived at the Pacific International Livestock exposition here today, so early that the reception committee missed them. When the reception committee found the two governors, they were busy helping an exhibitor corner a refractory shoot. "Welcome to the Pacific International Livestock exposition and we feel ourselves much honored to have your excellencies here on governors' day," began the reception committee. "Soak him on the snoot," suggested Governor Pierce, "that'll turn him." "Don't tell me," replied Governor Moore, following the directions. "I was raised with 'em." When the shoot was safely rounded up, the governors resumed their official dignity and expressed themselves in turn delighted to be there and that wandered off in arm to watch the beef stock judging which was under way in the main arena.

JUDGE SKIPWORTH IS APPOINTED AS REGENT

Judge G. F. Skipworth of Eugene was today appointed by Governor Pierce as a member of the board of regents of the University of Oregon, succeeding the late C. E. Woodson of Heppner, whose death occurred recently. Judge Skipworth has for many years occupied the circuit court bench in Eugene district, having succeeded Judge L. T. Harris when the latter was elected to the supreme court.

IF YOU WERE A COUNCILMAN?

If you were a city councilman what would you do? What improvements would you sponsor? What existant evils would you seek to correct? Constantly the city council is subjected to the criticism of the public for its acts of commission or omission. Seldom are these criticisms accompanied by any constructive suggestion of a remedy. For the council to determine just what the public does desire is next to impossible unless the public's wishes are made known. For the most timely and constructive suggestions as to the city's needs the Capital Journal offers three prizes of \$10, \$5 and \$2.50. The contest will continue through the month of November, with a portion of the contributions being printed daily. The suggestions should be written on one side of the paper only, be not over 300 words in length, and sent to the Contest Editor of the Journal. Following this announcement are complete stories of what transpired at last night's meeting of the council, giving an idea of the problems now confronting that body. How would you solve them, and what other matters do you suggest need attention? Just what would you do if you were a councilman?

TAX LICENCE BILL VETOED

Ordinance For Increase In License Fee Killed By Mayor; Spur Franchise Also Defeated.

On grounds that the ordinance is in conflict with the state automobile transportation law administered by the public service commission, Mayor Gleay last night vetoed the bill making the annual license fees of Salem taxicabs \$50 instead of \$25. The bill would be a tax for revenue and not for regulation, he said, and cited the fact that the title of the bill uses the word "tax." The veto was sustained. When the state fair approached the council as usual increased taxicab fees from \$25 to \$100 a year for the purpose of keeping taxicabs from other cities out of Salem during state fair week. After the fair a bill was introduced to reduce the license fees again, but to \$50 instead of \$25. This was the bill vetoed by the mayor. He said that a bill would be brought in at the next meeting to put the fee back to \$25.

Vetoes Spur Permit

For the reason that there is no time limit in the measure the mayor, or also vetoed, the bill passed two weeks ago granting a franchise to the Western Paper Converting company and the Southern Pacific company to build an industry spur track on Front street. The mayor said he would not object to the measure if a time limit were fixed, and the ordinance committee and the city attorney were instructed to bring in a bill at the next meeting making the limit 25 years. It was said this will not delay the building of the spur because its construction will go ahead without waiting for the passage of the bill.

Alderman Williams was of opinion that the new ordinance ought to contain a common user clause, but Rosebraugh said his committee had inquired and found that an agreement exists between the Southern Pacific and the Oregon Electric whereby both may make use of the spur.

"I don't go much on gentlemen's agreements," said Williams. "They sometimes blow up like bombs. Also I doubt if the city has authority to grant a franchise without a time limit. I think the state has that authority but not the city." Alderman Purvine said that under present conditions he could see no reason for placing a time limit in the measure, but Mayor Gleay said he was not in favor of the city's giving away any privileges without limit. Patton regretted that this defect in the measure had not been discovered earlier, expressing the fear that it would hold up the paper converting company in going ahead with its construction. Mayor Gleay said he would be willing for a special meeting to be called to night or any time to pass the ordinance, but assurance was given that a two weeks delay in the ordinance would not stop the company from going ahead.

Stonham, Mass.—Horrors of Sunday's storm; ten pellets as big as peas when the pole blew down a barn.

Suit Looms Over Paving Assessment

Apparently the city must stand a lawsuit over the assessment for the improvement of North Winter street from D to Market. Several persons represented by Carl T. Pope threatened to bring an injunction suit against the city to stop the assessment if the levy was made on property to the center of the block. Nevertheless the council went ahead last night and passed an ordinance making the levy in that manner. The excuse for this was that another group of property owners on the street threatened to sue if the levy were not made to the center of the block. "We are between the devil and the deep blue sea," said City Attorney Kowitz, "and are to be sued, it seems, whatever we do. The city charter says the assessment must be to the alley, and if there is no alley then to the center of the block." (Continued on Page Ten)

COUNCIL NAMES BUDGET BOARD; TO MEET NOV. 12

After much quibbling about an appropriate date for the annual city budget meeting and an emergency call to County Assessor Steelhammer to ask for an extension of the time limit in which the budget must be in his hands, the city council last night called the meeting for Thursday night, November 12. All but three of the 15 members of the citizens' budget committee were named, the mayor and each alderman being allowed to name one. Alderman Johnson, Herrick and Wenderoth were absent when the appointments were made. Those chosen by the mayor and the several aldermen were as follows: By the mayor, P. M. Gregory, by Simeral, Wayne M. Price; by Engstrom, U. S. Datson; by Rosebraugh, Walter E. Keyes; by Patton, Joseph H. Albert; by Dancy, Earl Simpson; by Purvine, U. G. Holt; by Thompson, Dr. E. E. Fisher; by Williams, Charles E. Knowland; by Galloway, Earl Race; by Alderborn, Ralph Thompson; by Grabenhorst, Lawrence E. Oberer. Alderman Johnson had sent in a written choice for his candidate, but this was for Earl Simpson, the same man chosen by Dancy, so Johnson will have to name another.

The council is behind in drawing up the tentative budget and will be unable to get it into the hands of the county assessor by December 1, the date required by law. When this became apparent last night a hurry call was sent for Assessor Steelhammer. When he appeared he was given the floor and asked if he would grant the city an extension of time. He agreed to an extension of 16 days, which most of the aldermen believed would be enough. Some members urged that the annual budget meeting be held

CONCRETE AND BLACKTOP VIE

Whether Wilson street shall be paved with concrete or blacktop pavement when the next paving season rolls around is a question that has to be decided by the city council, notwithstanding there is an adopted policy—at least some of the council men say there is—that the city use concrete only. The question came up last night at the council meeting when P. J. Boshinger, representing a number of property owners of Wilson street who petitioned for concrete pavement, said that a remonstrance had been filed sufficient to kill the improvement, but that the remonstrators were willing for blacktop pavement to be put in. Those who petitioned for concrete would accept blacktop, he said, rather than go without pavement. The difference in cost of the two materials caused the remonstrance. Concrete Favored. Alderman Dancy declared he was opposed to blacktop because of the city's experience with it and cited the fact that a policy against it had been adopted. Alderman Rosebraugh said he was of the same opinion as Dancy and that it was up to the Wilson street people to put up an argument for blacktop. If they presented sufficient reason he said he might vote for it. "It's not on record against blacktop," said Patton, "and I would like to be shown when the city adopted any policy against it. The people of Wilson street are going to pay for the pavement, so why not give them what they want." "Whenever Alderman Patton has an audience," retorted Rosebraugh, "he is always ready to talk. The council is on record against blacktop and he knows it." Mayor Gleay asked the members

FULL EXPOSE OF AIR CORPS NOW INSURED

Court Martial Grants Request Of Defense For Records Bearing Upon Air Service.

Washington, Nov. 3.—(A. P.)—The court martial trying Colonel William Mitchell, held today that he was within his rights in asking for the testimony of a long list of witnesses, including three cabinet officials in defending himself against the disciplinary charge growing out of his attack on the government's air policy. After the court had examined the list, Major General Robert L. Howze, president of the tribunal, directed the prosecution to "take immediate steps to proceed to facilitate the defense by securing the witness and documents called for." An adjournment then was taken until Monday to permit preparation and service of subpoenas. On the list are Secretaries Davis of the war department, Wilbur of the navy department and Jardine of the agricultural department; Everett Sanders, secretary to President Coolidge and many high ranking army and navy officers as well as others in civil life who have had contact with aeronautics.

Given Free Hand.

Some of those named are in Honolulu and other distant places and it was indicated that no decision had been reached as to whether all of them would be brought here. The action of the court apparently means that Colonel Mitchell will be given a free hand in thrashing out the whole aircraft controversy in court, in an attempt to prove that he was justified in charging that the army and navy air services were being administered with criminal and almost treasonable neglect of the best interests of the country. Voluminous documents now in the government files, including war and navy department records and copies of such letters as may have been written and received by President Coolidge in regard to the air controversy are called for as a

COOLIDGE HOPES FOR BIG TAX CUT

Washington, Nov. 3.—(A.P.)—President Coolidge is hopeful that taxes can be reduced by more than \$300,000,000, although he believes no safe maximum can be fixed until the budget for the coming fiscal year is completed. Secretary Mellon's recommendation was for the reduction of from \$250,000,000 to \$200,000,000, but it was disclosed today at the White House that the President was not convinced the cut would have to be held within that limit. Estimates made in congress have run all the way to \$500,000,000. (Continued on Page Nine)

School Budget for Coming Year Shows Special Tax Needed

The annual budget of school expenses for the city of Salem will show a deficit of \$15,500 that can be raised by no method except by a tax voted at a special election of the people. The budget has been prepared by George Hutz, superintendent of schools, for presentation of a special meeting of the school board and budget committee tonight. Total running expenses are \$22,100 more this year than last year, according to the figures of the budget. Increase in revenue, including the 6 per cent maximum increase permitted by state law, will amount to enough to bring

the total increased expenses down to the figure named, slightly less than \$19,000.

"This sum is the absolute minimum that the deficit will amount to," said Superintendent Hutz this morning. "As a matter of fact it may easily be considerably more. Only \$1000, for instance, has been allowed for the emergency fund. It should be at least \$5000 to be on the safe side." The estimate as compiled by Mr. Hutz takes into consideration only expenditures so definitely included that they cannot be avoided. It makes no allowance for the