

CIRCULATION
Daily average net paid circulation for month ending October 31, 1925
7352
Average daily distribution 7763.
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Capital Journal

UNSETTLED
rain, west, probably rain or snow in east portion tonight and Wednesday.
Fresh southerly winds.
Local: Max. 44; min., 30; rain, none; river, 0.9; atmos., cloudy; wind, south.

FORTY-SEVENTH YEAR No.

SALEM, OREGON, TUESDAY, NOVEMBER 24, 1925

PRICE THREE CENTS ON TRAINS AND NEWS STANDS FIVE CENTS

BANDITS RULE TOWN 3 HOURS

DECISION OF LOWER COURT IS SUSTAINED

Three Marion County Cases Also Decided By Supreme Court In Findings Reported Today.

An act of the 1925 legislature requiring that the quantity of hops picked by pickers in Oregon be estimated by weight and not by boxes is constitutional, according to an opinion of the supreme court handed down today in the case of C. A. McLaughlin, Polk county grower, against Joseph N. Helgeson, district attorney for Polk county. The opinion affirms Judge W. M. Ramsey of the lower court for Polk county. Justice Rand wrote the opinion.

McLaughlin brought suit to restrain the district attorney and sheriff from enforcing the penal provisions of the act on grounds that the act was unconstitutional and that its enforcement would injuriously affect his business. Suit Is Dismissed. The appeal was from a decree sustaining a demurrer and dismissing the suit. The demurrer was sustained on ground that the complaint did not state facts sufficient to constitute a cause of suit and that the court was without jurisdiction of the subject matter of the suit, both of which are sustained by the supreme court opinion. It is stated that though the complaint recited every conceivable injury that might result from enforcement of the act, it still fails to show sufficient cause. This, says the opinion, notwithstanding the fact that the complaint was very skillfully drawn.

The opinion denies the plaintiff's contention that the statute deprives him of his liberty to contract.

Permit Refusal Upheld

Judge L. H. McMahan of the lower court for Marion county is affirmed in the case of the National Thrift association, appellant, against W. E. Crews, state corporation commissioner, a mandamus proceeding to compel the corporation commissioner to issue a dealer's permit authorizing the association to sell certain securities. The opinion was written by Justice Belt. The corporation proposed a scheme of selling "thrift tickets."

Grenz Case Reversed

The late Judge George G. Bingham was reversed in the case of W. F. Grenz, appellant, against Roscella Anders and others, appealed from Marion county. Among the defendants was August Kehrberger, executor of the estate of Amelia Kleschick, deceased.

(continued on Page Nine)

Aviators Are Flying In Flaming Coffins Declares Mitchell

Washington, Nov. 24.—(A.P.)—Colonel William Mitchell reiterated before his court-martial today his charge that American aviators were flying in flaming coffins. Resuming the witness stand for conclusion of his cross-examination at the hands of Major Allen Gullion, assistant trial judge advocate, the air officer insisted there had been no increase in safety for the flying men. Major Gullion developed by questioning the witness that the number of flying hours per fatality for the fiscal year 1922 was 934, while for the fiscal year 1925 the number was 529. "Doesn't that prove that the safety of flying has increased from 1921 to 1925, about 50 per cent?" Major Gullion asked. "It is a very misleading statement," Colonel Mitchell replied. "There is no increase in safety. Our personnel is better trained now than it was in 1921, and flying has been much more restricted. The machines are still flaming coffins."

GOOD EVENING WORDS and MUSIC By Stoddard King

Ballade of the State of Society To have to be one of the masses Has always been wormwood and gall; I yearn to belong to the classes Whose numbers are gilded though small. Yet sometimes I think, after all, That it's better to be a mere cog— For I learn from the sciver's scrawl That society's always "agag."

A life that's as dull as molasses Is apt, in the long run, to pall, One day like another one passes, In summer or winter or fall. But it's better to creep and to crawl Than to move at too lively a jog— You have read in the daily "Sun-call" That society's always "agag."

The Four Hundred's laddies and lassies Are in a continual squall, They talk about things that entail— The fashion of wearing a shawl, The comic type of species of dog, And who'll buy a car to install— For society's always "agag."

I didn't attend the last ball, As I hadn't a suitable tog— But I hear it was rather a brawl, And society's always "agag."

The new Henry Ford factory in Denmark has started work, and will produce flyovers for the Scandinavian countries. They will, of course, be known over there as Ford cars.

BEARCATS PLAN ATHLETIC BOARD TO RULE SPORTS

Action to create a permanent athletic board at Willamette university will be taken at a special meeting of the associated student body Wednesday, it was announced today by Warren Day, president of the student body. A committee was appointed several weeks ago to draw up plans for the board. The committee will submit its report for final consideration at the student body meeting. The board, if created, will be empowered to determine athletic policy for the school, so far as the student body is concerned. Details of the personnel of the board are being withheld until Wednesday's report is made, but it is understood that the board will consist of alumni, students, a faculty member, a trustee and possibly one or more local business men. It is known that the committee will recommend that final election of members of the board will be kept in the hands of the student association and possibly other organizations represented to submit nominations.

Membership in the American Home Economics association has grown from 1200 in 1921 to 7000 in 1925.

CHAPMAN NOT TO BE HANGED DECEMBER 3

Court Signs Habeas Corpus Writ on Ground That Bandit Must Serve Out Federal Sentence.

New Haven, Conn., Nov. 24.—(AP)—Gerald Chapman, notorious bandit, has escaped death on the gallows at the state prison December 3, as sentenced when convicted of the murder of a New Britain policeman more than a year ago.

A writ of habeas corpus, sought on the ground that Chapman is still a federal prisoner and cannot be put to death by the state of Connecticut until he has served his 25 year sentence in Atlanta for mail robbery, was signed by Federal Judge Edwin E. Thomas yesterday.

The writ directs that Chapman be produced before Judge Thomas as state prisoner next Monday. Chapman's lawyers say the case will go to the United States supreme court if necessary. Chapman, originally sentenced to die on the gallows, obtained one reprieve in order to seek a new trial. His efforts in that direction failed. Governor Trumbull has indicated a second reprieve will be granted as a result of the habeas corpus proceedings.

The possibility of a presidential pardon for Chapman, as far as the mail robbery is concerned, is under consideration at Washington.

Attorney General Sargent is inclined to the belief that a pardon is necessary in order to give the state jurisdiction.

BRIAND ASKS DOUMERG BE GIVEN POST

Former Premier Declines To Attempt Formation Of New Ministry To Succeed Painleve.

Paris, Nov. 24.—(A. P.)—The socialists, after upsetting M. Briand's proposed ministry, now oppose Senator Doumerg, the president's latest choice for the premiership, declaring they will begin immediately consultations with political leaders and report his success or failure by tomorrow night.

Paris, Nov. 24.—(A. P.)—Senator Paul Doumerg today accepted "in principle" President Doumergue's request that he form a cabinet, saying he would reply definitely within 24 hours.

The former finance minister promised the president he would begin immediately consultations with political leaders and report his success or failure by tomorrow night.

Paris, Nov. 24.—(A. P.)—Aristide Briand, seven-time premier of France today definitely declined to form a cabinet in succession to the fallen Painleve ministry in which he was foreign minister.

Shortly afterward, upon his recommendation, President Doumergue summoned Senator Paul Doumerg, former finance minister, to the Elysee palace.

SCHOOL BUDGET ALREADY SHORT AND BILLS DUE

With bills including nearly \$1000 not provided for in the budget, the first definite indication that the budget is running behind financially has come to light. A bill for \$394,131 for electric work due on public school buildings during the summer, as authorized by state inspectors, will have to be met, and school officials admit that no provision for paying the bill has been made in the budget.

William Burghardt, school clerk, today said that the amount paid already amounted to nearly \$300 more than the amount allowed in the budget. The sum of \$394,131 was allowed in the budget and \$361.72 has been paid out so far this year. The budget as passed down and adopted by the committee at its recent meeting allowed \$1000 for insurance. Burghardt today said that the amounts of policies carried have not been kept out down, and that the board stands to spend \$1600 for insurance this year.

George Hug, school superintendent, stated that with the cuts effected in a number of the funds, a deficit is in sight in a number of items. The emergency fund was cut to \$500. It usually runs about \$2000. The maintenance and repair fund was cut from \$7,800 to \$4,000, most of which has been already used. Mr. Hug admits. The material and supplies fund was cut from \$2,500 to \$1,800.

UNIVERSITY STUDENTS PUT BAN ON CHARLESTON

Eugene, Or., Nov. 24.—The Charleston is doomed as far as the University of Oregon is concerned. At a meeting of heads of fraternity and sorority houses on the university campus Saturday evening, it was voted that the Charleston is to be barred from all university dances and from all interfraternity and inter-sorority dances.

CHANG IS PRISONER

Pekin, Nov. 24.—(AP)—Unconfirmed reports from Mukden say there has been a revolution there against Marshal Chang Tiao-lin and that Marshal Chang himself is a prisoner.

500 Women Learn To Prepare Turkey At Journal School

Thanksgiving turkeys in Salem homes will be done to a brown turn this year and will be stuffed with a dressing that will whet the most jaded appetites. Five hundred women, and more, are spending this afternoon in the armory watching Miss Bernice Lowen, domestic science expert, in charge of the three-day Capital Journal cooking school, prepare and stuff a turkey and cook and bake other delicacies for the Thanksgiving table. The turkey will be baked tomorrow afternoon. Today's lesson is also devoted largely to cakes and pies.

With the greatest ease and speed and with a deftness that made her the envy of each of the nearly five hundred women present, Miss Lowen in two short hours yesterday prepared and cooked a baked in the Hotpoint electric range on the platform in the armory a noodle souffle ring filled with tuna fish croquettes, bell peppers stuffed with grapefruit, a steamed stuffed cabbage that was entirely a new idea to most cooks, orange biscuits and a sandwich loaf that filled every feminine soul present with a determined desire to try it in her own kitchen.

Miss Lowen demonstrated the various degrees of heat made possible in the Hotpoint ranges and while her cabbage was steaming and her stuffed peppers were baking she fried her croquettes and baked her biscuits. The delectable looking sandwich loaf was the last thing prepared by Miss Lowen yesterday. The bacon for the loaf had been broiled early in the lesson while the orange biscuits were being mixed and cut.

At the close of the two-hour lesson the food was exhibited on (continued on Page Nine)

CELEBRATION ENDS IN RIOT

Three Thousand Students Celebrating Football Victory Set Fires And Mob Officers.

Chicago, Nov. 24.—(AP)—Defying police pistols, tear bombs and streams from fire hose, 3000 Northwestern university men and women students last night celebrated the prowess of their football team by rampaging all over quiet and aristocratic Evanston. Before the enthusiasm waned early today, a vacant fraternity house was in ashes, a policeman had two broken ribs, four students were in jail, scores had black eyes and cracked heads, and Mayor Charles E. Bartlett, nursing a bruised head declared Northwestern would never have the new stadium if he had planned.

Officers Helpless. The police and firemen were helpless when the jubilation began, by pre-arranged plan, about 9 o'clock. The cops were stripped of the badges and made the victims of their own maces. Firemen dashing to answer numerous alarms, most of them false and others resulting from bonfires, had their hose knotted and equipment dumped and scrambled.

Finally after reinforcements of riot squads came from Chicago and forty world war veterans were mobilized by a former service men's organization to aid the police, the students retired to the lake Michigan front and finished off the evening with huge bonfires, songs and cheers.

President Indifferent. President Walter Dill Scott, who had been out of Evanston, returned as the celebration concluded. His only comment was that the burned house "wasn't worth much anyhow," and that the university would not interfere in behalf of students who had violated city ordinances. They would have to stand the consequences in the city courts.

The melee started when students fired the fraternity house, which was to be razed and replaced by a new quadrangle. The interior had been soaked with oil. Others oiled and ignited the old wooden stadium, which the university hoped to replace with a concrete structure next year if city permission was given. Firemen who responded to alarms and attempted to quench the flames were stampeded by crowds of students. Attempts to quiet them were made by Kenneth L. "Tug" Wilson, athletic director and gridiron stars of the school, Captain Tim Lomry and Ralph "Moon" Baker. These succeeded in persuading the students to extinguish the stadium fire.

FUGITIVE ON PAYROLL OF STATE BOARD

F. A. McDaniel In Employ Of State Three Years While Liquor Charge Being Fought.

Although he is a fugitive from justice, F. A. McDaniel, who is under conviction and jail sentence for possession of intoxicating liquor, is still on the state payroll of the state fish commission. At least he was when the October vouchers reached the secretary of state's office, and he has been on the payroll of either the game or the fish commission throughout the litigation in his case both in the lower court at Corvallis and in the state supreme court. The sheriff's office at Corvallis reports him in hiding.

Twice Employed. Governor Pierce is mainly responsible for this for the reason that he has twice relieved McDaniel. McDaniel was a deputy game warden at the time of his arrest in Benton county in December, 1922, and has received his salary from the state every month since then with possibly three or four exceptions. October vouchers show that he is now in the employ of the fish commission. He was convicted in the lower court and sentenced to jail. In an opinion from the state supreme court handed down January 2, this year, the lower court was reversed, but the case was reheard, and the next supreme court opinion handed down June 30, upheld the conviction.

Pierce granted McDaniel a reprieve of 60 days, although it had been two and a half years since the conviction of his offense and he had escaped justice all that time. Upon expiration of the reprieve McDaniel was missing and Judge Shipman issued a bench warrant for his arrest. Shortly after the warrant got into the hands of Sheriff Newton of Benton county the sheriff got a telegram from Governor Pierce which read:

"Worked For Fish Board. "Fish commission have begged so hard the privilege of using McDaniel for a few days that I am continuing his reprieve. Will send you signed papers Tuesday."

After more than a week the reprieve papers were received by Sheriff Newton, extending McDaniel's reprieve until November 15, making a total of 100 days reprieve. On that date his reprieve expired, but where McDaniel is now nobody knows except McDaniel himself, doubtless the fish commission and possibly Governor Pierce.

It is understood that the Women's Christian Temperance Union and prominent Democrats rebuked the governor severely for the McDaniel reprieve and that Pierce promised not to reprieve him again. However, McDaniel isn't in jail.

There is a pretty strong suspicion that McDaniel's defense was paid for by the fish commission, but this cannot be verified in Salem.

Justice Court Fees Attacked As Illegal Defended By Small

"I have no particular statement to make as I am not a perpetual candidate for office," stated Justice of the Peace Brazier C. Small today, when asked if he wished to comment upon charges made in a letter from Circuit Judge L. H. McMahan to the county court, in which McMahan asserted that illegal claims had been presented to the court for fees from the justice court.

"I do think, however, that the taxpayers of the county should know that there is not the amount of money being paid by them to the justice of the peace, that is generally believed. "Right here, I wish to say, if the claims made are not right, I do not wish to collect them, and am anxious that the matter be ad-

ATTEMPT TO ROB BANK IS FRUSTRATED

Michigan Town Terrorized by Armed Gang During Night; More Than 100 Shots Fired.

Cassopolis, Mich., Nov. 24.—(A. P.)—Armed bandits terrorized Cassopolis for nearly three hours early today, firing at every resident, who dared to appear on the street and finally roared out of town after failing to rob the First National bank.

The bandits, variously estimated at between five and 10 in number entered Cassopolis shortly after 2 a. m. They bound a night watchman and three other men who were in two all-night restaurants, cut telephone and telegraph wires, leading out of the city and for two and one-half hours ruled the town.

Vault Resists Efforts. At 4:45 a. m., after an ineffectual attempt to break the vault of the First National bank, the bandits left in an automobile. During their stay the bandits fired between 100 and 150 shots and one shot was fired in return. Revolvers and sawed-off shotguns were used and the targets were anyone who appeared on the streets or who showed lights in office buildings or residences near the business sections.

George Jones, a stock buyer, was the only casualty. As he emerged from his house he was greeted with a volley. A shotgun slug inflicted a neck wound and he retreated into the house.

Victims Are Bound. The robbers first visited an all-night restaurant and bound the proprietor and the village night watchman, who was in the place. Leaving a guard over the man, the other bandits went to another restaurant and treated its proprietor similarly.

The front door of the First National bank then was forced, the robbers taking their prisoners inside with them. The outer door of the safe was dynamited, no effort being made to deaden the sound of the explosion and the noise brought several persons on the street and to windows.

Five charges of dynamite were exploded, the outer door of the vault being torn away by the inner door withstanding the bandits' efforts. Over a wire which the bandits failed to cut, Mrs. August, night telephone operator, notified officers at Niles while the bandits all were at the bank and roads leading out of Cassopolis (continued on Page Nine)

RHINELANDER'S CASE COMPLETED DEFENSE OPENS

White Plains, N. Y., Nov. 24.—(AP)—The plaintiff's case in the Rhinelanders' annulment suit was closed at 1:30 o'clock this afternoon.

Alice Beatrice Jones, defendant, in the suit brought by her husband, Leonard Kip Rhinelanders, will not take the witness stand to day as had been planned. Leo Parsons Davis, defense counsel said, he had planned to call her to testify, but that his plans had to be abandoned because of her breakdown last night following the ordeal yesterday when she appeared, partly disrobed before the jurors so that they could see the color of her skin. This was done at the request of Davis, who sought to prove that Rhinelanders never knew that she was part negro.