

1925 BREAKS BUILDING RECORDS

COURT DENIES PLEA TO SAVE TWO CONVICTS

Judge Kelly Denies Motion Filed To Stay Execution Of Willos And Kelley—Appeal Taken.

Judge Kelly signed, this afternoon, the certificate of probable cause in the Kelly and Willos case, permitting an appeal to the supreme court.

Circuit Judge Kelly today denied motion in arrest of judgment filed by Will R. King to save Ellsworth Kelley and James Willos from the hangman's noose, and refused to take cognizance of a similar motion in the case of Tom Murray, companion of Kelly and Willos. Murray to listen to the plea in refusal to stay the execution of the sentence was based on the ground that his case is now before the supreme court and out of the jurisdiction of the circuit court.

Judge Kelly virtually submitted his motions without argument. After reading the motions and affidavits, in response to a request from Judge Kelly for authorities, Judge Kelly briefly cited two Connecticut cases, one of the case of the notorious Gerald Chapman.

King based his contention simply on the ground that under the Connecticut case a man held in the penitentiary cannot be brought into court to be tried for another crime unless he is brought under a writ of habeas corpus and unless he is so brought in the trial court is without jurisdiction.

The state offered no argument whatever, as Judge Kelly immediately overruled the motions in the Kelley and Willos cases and told Judge King it was without jurisdiction in the Murray case because appeal had been perfected. Judge King will raise the points in the supreme court which he has raised in circuit court.

It is understood that the state will resist the motion for arrest of judgment before the supreme court on the ground that a motion for arrest of judgment must be filed within one day, which was not done in the present cases. In addition the state will resist the contentions on their merits, if necessary.

GOOD EVENING WORDS and MUSIC

By Stoddard King

WHAT THE QUEEN SAID
The queen was in her parlor
Eating bread and honey;
She had her hair bobbed
With her own money.
But the first Lady of the Boudoir
Came on the run—
"Land sakes, your majesty,
It isn't being done!"

The queen took a pocket comb
And fluffed out her hair;
Of the crowned heads of Europe
None was so fair.
But the Second Lady of the Bed,
Gasped with dismay—
"Gracious me, your majesty,
What will people say?"

The queen sang a little tune
The whole town was humming—
She said to the court ladies:
"Isn't it becoming?
Come closer; see it now,
Where the sun strikes it;
I think it's rather nice—
And then, the king likes it!"

Individual monogrammed packets of paper matches are said to be quite smart. Used to light a monogrammed cigarette, they express a man's individuality, whether he has one or not.

Rubbers "for He-Men" are being advertised, which prompts the sad reflection that some of the best men we have wear rubbers, and what is more, take them off before coming in the house. It's an effeminate age.

Says a Paris dispatch in the San Francisco Chronicle:
"Clad in full dress with tails, white waistcoat and white tie, Valentino and his party created a furor wherever they appeared."
It takes a chic sheik to create a furor in Paris.
(Copyright 1925)

DEADLOCK ON SELECTION OF CITY LAWYER

Choice Lies Between Williams And Kowitz With Council For One And Mayor For The Other.

(By Harry N. Crain)

Their forces mobilized for verbal battle, campaign directors for Fred A. Williams and Chris Kowitz, principal contenders at this writing for appointment to the city attorneyship of Salem, will step into the limelight on next Monday evening when the council meets to select the city's executive officers, with the exception of recorder and treasurer, for the year 1926.

For chief of police, city engineer, sanitary inspector and other offices the ticket is all out and dried, with the incumbents scheduled for unopposed reappointment. But today it is predicted that it will take the final balloting to decide the attorneyship.

Early in the week a group of the councilmen were confident they had solved the riddle in the selection of Allan Carson, and the arrangement of finances to meet his previous objection to the inadequate salary attached to the office. But Carson again declined, pointing out that even though the salary were raised to \$250 a month (from which the pay of a stenographer and office expenses must be deducted) he still would not be justified in accepting, aside from his decision to continue to devote his time to his private practice exclusively.

Castling about for an attorney of more experience than Mr. Kowitz, present incumbent, or Raymond Hasset, another avowed candidate but recently admitted to practice, those active in the Carson movement then agreed to throw their strength behind Mr. Williams at present a councilman from the sixth ward. C. A. Swope, a third

Seven Deaths 1925 From Auto Crashes In Marion County

There were 7 deaths directly resulting from auto mobile accidents in Marion county during the year 1925, according to statistics produced today by Lloyd T. Rigdon, county coroner. In 1924 there were 9 deaths from auto accidents.

INCOME TAX REFUNDS TOTAL HUGE AMOUNT

Washington, Dec. 31.—(A.P.)—Refunds totaling \$151,855,415.60 were given to federal taxpayers during the last fiscal year by the treasury department.

Submitting a report to congress, the department set forth that \$134,107,773.15 was returned on account of illegal collection of taxes and \$17,747,642.45 under terms of the 1924 revenue act, was allowed a flat 25 per cent reduction on income taxes payable that year.

The list of those receiving the refund included several thousand individual taxpayers in every section of the country.

A majority of the refunds were for less than \$100.

Secretary Mellon was listed as having received a refund of \$404,871.82; John D. Rockefeller received \$457,870.

The refunds included: San Francisco, \$1,050,419; Sprucefield Sugar company, San Francisco, \$116,281; Hecla Mining company, Wallace, Idaho, \$132,135; Texas company, Houston, Texas, \$367,319; Seattle & North Pacific Ship-building company, Seattle, \$149,851; Standard Oil company, San Francisco, \$58,058; Heise-Martin Iron Works, Portland, Or., \$37,334.

Other refunds included: Phaz company, Salem, Ore., \$32,925; A. W. Strowger, Portland, Ore., \$23,256.

DECEMBER WARMEST ON RECORD

Average Temperatures 45 Degrees With Average Daily Maximum Of 51.7—Minimum 38.6.

With an average temperature of slightly more than 45 degrees, as compared with the normal average of 40.3 degrees, December of this year was warmer than any other December for which statistics are available at the hands of the local weather men. The average maximum for the month ending today has been 51.7 degrees. During December of last year the corresponding figure stood at 42.5. The average minimum this month was 38.6, as compared with the average minimum of 29.3 a year ago.

With the exception of three mornings, December 23, 29 and 30, the mercury at Salem this month remained above the average recorded during the same month last year. On these three coldest days of the month the mercury dropped to 29, 29 and 28 degrees above zero.

The official government thermometer, kept in a protected place on the river bank, records a minimum temperature slightly higher than that found in most parts of the city, as evidenced by the fact that the minimum recorded for last night was 33 degrees, while ice formed where water had gathered at various parts of the city gave positive evidence that the minimum temperature could not have been above 32. The same official government thermometer has been kept in the same place

COMPLETE WARDROBE \$1,794,935

Clothes an' Everythin' AWAITS FIRST 1926 BABY

Marion or Polk county's first New Year's baby will be given a royal welcome by The Capital Journal and its advertisers. Practically everything for the wardrobe of the little one is included in the gifts to be given by The Journal and 12 of its advertisers to the first boy or girl born in either of the two counties after the stroke of midnight tonight.

The conditions of the contest are as follows:

First—The baby must be born within the boundaries of Polk or Marion counties, and the legal residence of the parents must be in one or the other of these counties.

Second—Entry into the contest will be upon affidavit of the attending physician, which affidavit must state the sex of the child, the day, hour and minute of its birth, its name, and the full names and place of residence of its parents.

Third—Notice of the birth of all babies entered in the contest must be filed in The Capital Journal office not later than 12 o'clock noon, Monday, January 4, 1926.

To the baby adjudged to have been the first born after the stroke of midnight the following gifts will be awarded:

By The Capital Journal—One year's subscription to The Capital Journal.

Millers—One hand embroidered baby dress.

Kafoury—One hand knitted jacket.

Stiff's—One combined toy and bath thermometer.

Buster Brown's—One pair of baby shoes.

Director's—One fancy knitted bonnet.

John J. Rottler's—One pair of slippers for the proud mother.

Burnett Bros.—Child's solid silver cup with name engraved.

J. C. Penny's—One dozen "Little Pet" hemmed diapers.

Bishop's—One Pendleton virgin wool crib blanket.

U. S. National bank—Starter for savings account.

Worth's—One silk and wool vest.

Announcement of the name of Miss or Master 1926 will be made in The Capital Journal early next week.

Cosmopolitan Stores—Baby's crib blanket.

NEW BUILDING EXPENDITURES

Every Year Has Shown Steady Increase Over Previous One—Some Costly Structures.

The year just closing was the banner building year in Salem's history. Five years ago, at the end of 1921, the building records showed for that year a total of \$533,026. In 1922 building construction in Salem for the first time jumped to and past the million dollar mark, totaling at the end of the year \$1,082,379. Each year since has shown an increase. In 1923 the total was \$1,225,732 and in 1924 \$1,731,210. For 1925 the total is \$1,794,935, a gain of \$62,725 over last year.

Of the total for 1925 nearly \$1,000,000 went into the construction of new dwellings. The exact figures for residence building were \$983,275.

The most costly of the buildings that have gone up in the last year and the cost of each were: Miles linen mill, \$3,000; Fisher apartments, \$45,000; St. Vincent de Paul Catholic church, school and parish house, \$100,000; Y. M. C. A., \$125,000; Eagle apartments, \$35,000; Elsinore theater, \$90,000; factory company, \$25,000; Converting company, \$24,000.

By month the permits totaled for the year as follows: January, \$70,450; February, \$154,050; March, \$155,600; April, \$268,673; May, \$120,550; June, \$385,700; July, \$189,730; August, \$131,600; September, \$113,050; October, \$70,630; November, \$75,550; December, \$48,000.

The total of \$48,000 for December is a decrease as compared with December a year ago when the total was \$83,225, permits having been issued in December last year for a concrete business building costing \$20,000 and a laundry costing \$15,000.

FRANK HINKEY VALE STAR DEAD

Southern Pine, N. C., Dec. 31.—(AP)—Frank Hinkey, 35, one of Yale's best known football players, died here early today. He had been ill fourteen months with tuberculosis.

Frank Hinkey was ranked among the outstanding gridiron stars of all time. In the days when mass play was the vogue Hinkey played end four years at Yale, from 1891 to 1894 and in the opinion of veteran critics established himself as one of the greatest wing men of all time.

Hinkey was killed by Walter Camp for his all-American team in each of these four seasons. He captained the Eli team in his last two seasons.

Hinkey, despite his diminutive size, was one of the fiercest tacklers the game ever produced. He handled men almost twice his bulk with ease and it was a Yale tradition that Hinkey's end was never turned during his four years of play.

SLEUTHS WATCH FOR HIP POCKET REVELERS TONIGHT

New York, Dec. 31.—(A.P.)—"Hip pocket" revelers in Boston, Philadelphia, New York and Atlanta City will receive special attention from law enforcement agents. The liberty bell breaks its 90 year silence at midnight to welcome the New Year by radio.

In Atlantic City each night club will have one detective assigned to it to uphold the Volstead act.

Police and prohibition officers in evening attire, will mingle with the New Year's revelers in Philadelphia and keep a diligent look-out for prohibition law infractions, according to Director of Public Safety Eliot.

In New York 150 federal prohibition agents will be scattered throughout the city to preserve the liquor laws.

A small army of prohibition agents, reinforced by police will invade Boston hotels and cafes.

"Hip pocket" violators will receive special attention from agents who will mingle with the guests at the various entertainments.

Police women in evening clothes will augment efforts of the dry operators.

The liberty bell, which in 1776 tolled the dawn of a new era in the history of nations, at midnight will ring in the New Year and the dawn of the Philadelphia Sesqui-centennial celebration. The tones will be broadcast across the continent through radio station WIP.

3 FORD PLANES BADLY DAMAGED

Nashville, Tenn., Dec. 31.—(A.P.)—Three of the Ford-Stout all-metal passenger planes en route to Florida were badly damaged here in an accident today. No one was hurt.

The accident occurred at Blackwood field when Pilot Lee T. Schoenhair was taking off in the Miss Fort Myers. The plane crashed into the Miss Tampa and the Miss Miami on the ground.

The occupants of the Miss Fort Myers escaped injury. The planes arrived here yesterday for a stop over enroute to Florida from Detroit.

The Miss Fort Myers tipped over before leaving the ground in the take-off. The fourth plane, the St. Petersburg, was the only plane of the four not involved.

RADIO UNITES LOST BROTHER WITH SISTER

Columbus, Ohio, Dec. 31.—(A.P.)—Radio flashing a message over nearly 1000 miles of space will unite a brother and sister at Worthington, near here, tomorrow after a separation of 40 years.

Mrs. Robert Engin longed to see her brother, Alton Jones, on New Year's day. She didn't know where he was. Then, she said, she had a dream she could reach him by radio. She told her story to officials of WEAO, Ohio State university.

Several weeks ago Jones and his four children were sitting around their radio in their plantation home in Mississippi county, Arkansas. A daughter was listening in. Clearly and distinctly came this message:

"Alton Jones, wherever you are, listen!"

"Papa, come quick."

Jones clasped the head phones on.

Again came the voice:

"Your sister wants to see you at Worthington, Ohio. She has not seen you for 40 years. You were born at Antiquity, Ohio, at the time of the Civil war. You were raised by Captain William Roberts, an Ohio river flatboat man. You ran away while the boat was lying at the bank in Arkansas. My name is Mrs. Robert Engin."

Then the resumption of routine announcements rang the curtain down on the drama.

Jones telegraphed his sister he would be at her Worthington home tomorrow. They are the only living training in the United States army.

DIVERS SEEKING CAR VICTIMS OFF TACOMA BRIDGE

Tacoma, Wash., Dec. 31.—(A.P.)—A fifth body was found by divers at noon today in the wreck of the municipal trolley car which last night plunged sixty feet from the Eleventh street bridge into the city waterway.

The body is believed to be that of John Dahl, a carpenter.

Tacoma, Wash., Dec. 31.—(A.P.)—Divers will be sent down today in an effort to locate more bodies at the bottom of the city waterway in the wreckage of a Tacoma municipal street car which last night plunged through the open draw of the 11th street bridge carrying four persons to death and causing injuries to four others.

One of the survivors asserts that at least a dozen persons were on the trolley at the time. This is denied, however, by the operator of the car who declares that only eight persons were aboard.

The date coincides with that for the first day's session of the fourth national co-operative marketing conference here and many leaders in agriculture are expected here for both meetings.

Those invited to attend the farm surplus gathering include former Governor Lowden of Illinois, Sam Thompson, president of the American Bureau Federation; Aaron Sapio, attorney for a number of co-operative marketing organizations; and editors of leading agricultural publications.

HUNTER LICENSES DROP BUT ANGLERS SHOW INCREASE

While hunters' licenses issued from Marion county during the year dropped from 1177 in 1925 to 1059 for 1926, the number of anglers licenses issued increased from 1465 last year to 1505 for 1926, according to figures just completed by County Clerk Boyer.

Combination licenses issued in 1925 numbered 609 as against 592 for the preceding year. Seventy-four hunting licenses were issued to boys during the past year as against 68 the year before, and 34 angler licenses were issued to boys for each year. Seven non-resident hunting licenses were issued for 1925 as against three the year before and 9 non-resident anglers licenses were issued as against 14 the year before. Forty-six certificates for lost licenses were issued in 1925 and 49 of the same kind in 1924.

The biggest increase noted in 1925 was in the issuance of free licenses to pioneers and war veterans, 236 of such licenses being issued in 1925 as against 27 during the year before. Enlarging the scope of those being eligible to such licenses is cause of the principal increase. The amount of fees collected for the year has not been completely checked up, as yet.

CASH REGISTER COMPANY SOLD FOR \$70,000,000

New York, Dec. 31.—(A.P.)—Dillon, Read & company, bankers, who started the financial world with the purchase of the Dodge Brothers motor interests over the big J. P. Morgan, are now reported to have arranged another financial coup in the purchase of a large interest in the National Cash Register company.

Clarence Dillon, 43-year-old head of the firm, which has come into prominence only in the past decade, has been conducting negotiations, involving between \$60,000,000 and \$70,000,000 of securities and the deal is expected to be consummated this week.

Control of the cash register company has been sought by many bankers since the death in 1922 of John H. Patterson, its founder.

The name of Dillon, Read & company also plays a prominent part in Wall Street reports that the General Petroleum company and the Union Oil company of California will merge into an organization having \$251,000,000 assets. The banking company now holds the Union Oil company.

A. L. Well, vice-president of the General Petroleum company, however, denied last night at San Francisco that a merger was contemplated. There is absolutely no foundation for the report, he said.

JOINT RATES ON PULP WOOD

The public service commission announced today that completion of new interchange track with the Portland Electric Power company at Oregon City has led to the establishment of new joint rates by the Southern Pacific company and the Portland Electric Power company on pulp wood from points on the Southern Pacific lines to the paper mills at Oregon City.

To enable immediate movement of pulp wood by the new route the commission has authorized on one day's notice the filing of tariffs on pulp wood from coast points as follows:

From Reedsport \$3.32 1/2 per cord; from Brighton, \$2.25; from Garibaldi, Bay City, June and Tillamook, \$2.62 1/2.

The old rates from Tillamook county points were \$2.20 and \$3 a cord, while the shipments from Reedsport were assessed a switching charge of 2 1/2 cents per 1000 pounds which the joint arrangement has eliminated.

CHICKEN THIEVES BUSY, WOODBURN

Woodburn, Or., Dec. 31.—Chicken thieves stole 20 high bred white leghorns from the Joe Nibler farm on the highway south of town, some time during last night. One chicken was killed but the thieves took it with them. The birds were secured by Nibler recently from an O. A. C. flock.

An attempt was made to raid the coops on the A. C. Davis farm nearby but the burglar alarm which with the coops were equipped frightened the thieves away.

Prohibition Increases Number of Prisoners Marion County Jail

Prisoners in the county jail during 1925 served 6770 days, a top notch record for the past five years, and 2464 more days than were served by prisoners in 1924, according to figures prepared by Sheriff Bower.

The record for the past five years is as follows:

1921	2674 days
1922	4335 days
1923	3291 days
1924	4316 days
1925	6770 days

The greatly increased number of days served is not exactly accounted for by any abnormal increase in crime in the county. Sheriff Bower states, as several causes attributed to it.

One of the principal causes was a legislative act changing the number of circuit court terms in the county from three to seven. While on the face of it this would expedite justice, the change this year rather worked to the contrary as it made a jump in terms from March to July while the law was going into effect and left a number of men in jail awaiting trial.

In addition the three murder cases, Murray, Kelly and Willos, consumed the entire time of the October criminal term, which kept a number of men in jail longer than would ordinarily have been the case. A large number of delinquency cases on the part of adults pending for trial in the circuit court between a number of terms added to the length of time served by a number of prisoners.

A greater number of liquor cases, imposition of longer sentences and heavier fines, which are served out in many instances and also the operation of the drunken drivers' act, have all tended to add to the number of days served. Sheriff Bower has not yet prepared his report as to the various crimes committed.

GREAT BRITAIN SWEEP BY TERRIFIC GALE

London, Dec. 31.—(A.P.)—Great Britain was struck by another westerly gale last night, bringing heavy rain storms, which further raised the waters of the already swollen rivers. In London two men were killed and eight injured when a chimney crashed into the dormitory of a Stepany workshop. More than 100 telegraph and telephone lines were down in the country. A mail train derailed in the north of Berwyn, Wales, but only the locomotive was damaged.

AGRICULTURAL CONFERENCE CALLED FOR JANUARY 12

Washington, Dec. 31.—(A.P.)—A conference for the discussion of the agricultural surplus question has been called by Secretary Jardine to convene here January 12. It will be the first of a series of conferences planned by the secretary for this purpose.

The date coincides with that for the first day's session of the fourth national co-operative marketing conference here and many leaders in agriculture are expected here for both meetings.

Those invited to attend the farm surplus gathering include former Governor Lowden of Illinois, Sam Thompson, president of the American Bureau Federation; Aaron Sapio, attorney for a number of co-operative marketing organizations; and editors of leading agricultural publications.

HYLAN RESIGNS TO ENJOY \$4205 PENSION

New York, Dec. 31.—(A.P.)—The eight year regime of John F. Hyland, as mayor of New York, has ended.

At midnight last night, one full day before his term was to have come to its conclusion, Mr. Hyland stepped out of office, having resigned in order to protect his pension rights as a public officer. With him resigned also Richard E. Enright, police commissioner.

WIFE SPANKER GIVEN 15 YEARS AND \$100

Medford, Dec. 31.—(A.P.)—Omer W. Murphy, local resident recently convicted on a charge of manslaughter in connection with the death of his wife, Emma, last spring as the result of an alleged spanking, was sentenced to 15 years in the state penitentiary and fined \$100. An appeal on the case is now pending.

Opera Singers Program To Be Broadcasted O'er World Friday Night

New York, Dec. 31.—(A.P.)—Arrangements virtually are complete for the international broadcasting program tomorrow night featuring songs of John McCormack and Luccina Bori in America and the choruses of "Big Ben" in London.

Starting at 6:30 p. m. Eastern standard time the program will continue until about 11:30. The British broadcasting company will retransmit to Great Britain and the continent, where German stations will aid in the distribution. News dispatches, which will be specimens of the world wide work of The Associated Press, will be broadcast as part of the test.

The choruses of "Big Ben" in London will be heard between 6:45 and 7:30 and McCormack will sing between 9 and 10:30. The American broadcasting will end with the choruses of the Park Avenue Baptist church between 10:30 and 11:30.

The stations which will cooperate are WJZ, New York and Round Brook, N. J.; WRC, Washington, D. C.; WGY, Schenectady; WJZ, Springfield, Mass.; KDKA, Pittsburgh; KVV, Chicago; KFKX, Hot Springs, Ark.; KOA, Denver, Colo.; and KGO, Oakland, Cal.

SEVEN SPOTS ON SUN'S SURFACE

I. L. McAdams, Salem's astronomer reports that the sun is starting off with trouble of his own for the new year, as McAdams has discovered no less than seven sun spots, and two of these are of considerable magnitude covering an area of 10,000 miles across. The two larger ones he reports in the active eruption, this being caused by the internal parts of the sun bursting through the surface layers and cooling things considerably for quite a distance about.

McAdams says that the conditions probably would affect the temperature here by lowering it in the neighborhood of a hundredth of one per cent, a change hardly perceptible unless someone was anxiously seeking to discover it.