

# NEVADA LEGAL HEAD CASTIGATED BY MARY'S AIDE

### Efforts to Set Aside Without Precedent in Legal History, Breach of Authority, Says McNab—Attorney General Meddlesome.

CARSON CITY, Nev., Dec. 2.—Nevada to set aside Mary Pickford's Declaration that the attempt of Attorney-General Leonard B. Fowler of divorce from Owen Moore "violates every principle of institutional government" and "is the first of its kind and should be the last" were made by Miss Pickford's attorney, Gavin McNab, San Francisco, in an answer filed in the state supreme court here today to Fowler's appeal from District Judge Frank P. Langan's ruling upholding the decree.

Miss Pickford was granted a decree of divorce at Minden, Nev., March 29, 1920, by Judge Langan and in a short time married Douglas Fairbanks, Miss Pickford, Moore and Fairbanks are motion picture stars. On April 16, 1920, Attorney-General Fowler filed an action at Minden asking that the decree be set aside "in the interests of the state of Nevada." On June 25, 1921, Judge Langan upheld the decision and Fowler appealed to the state supreme court.

"This case is without precedent in jurisprudence. It is the first of its kind and should be the last of its kind. It violates every principle of institutional government."

"Official power and authority must be found in the law. They cannot be usurped."

"No language can be found in any law that can be tortured into giving excuse for this attitude of the attorney general."

"If Nevada had contemplated becoming a party in the form of plaintiff or defendant, or plaintiff against plaintiff and defendant, in divorce, or any other action, the state, through her people or her legislature, would have articulated her purpose."

"If Nevada had intended that her established courts were not to be the sole dispenser of justice, but that the attorney-general was to be a super-courts-creating judicial determination, disturbing the orderly administration of justice and harassing litigants—it surely would have said: 'It is not thinkable that the people of the state should allow any official to be at large without legal restrictions, free to constitute himself a bill of attainder as against any litigant.'"

"The axiomatic principle of representative and orderly government is that law shall have a uniform operation. It cannot be delegated to any official to make the law into himself and to select a victim for prejudice or caprice. That would be the end of free government."

"That no attorney-general in the long history of Nevada ever attempted to exercise such powers should settle the fact of their non-existence. That the present attorney-general has selected but one victim for this attempted extraordinary oppressive and eccentric interpretation and abuse of power amounting to persecution against its existence, even in his judgment."

"The people of Nevada could have contemplated that it should be left to the temper, prejudice or caprice of any official whether the law should, or should not be applied, nor that he should confine the operation of the law to one person alone merely because that person was famous."

"Nevada has expressed herself in her laws as to the authority of her courts and the authority of other officials. She has given no power to attorney-generals such as the present attorney-general has invented. What the people have not given to him, the

attorney-general cannot approximate to himself.

"The recognition of that which the people have not authorized would demoralize and destroy judicial procedure and orderly government."

"No instance can be cited where such an attempted seizure of authority has been tolerated by any American state, nor can any case be cited in any country governed by the common law."

"The substitution of government by official prejudices and caprice, for government by law means oppression and tyranny."

"In this instance the court having jurisdiction—to which court the people and the state of Nevada had confined their interest in the matter has adjudicated the subject and has discharged its obligation to the state of Nevada, to the people of Nevada and its duty to society."

"No appeal has been taken from that judgment. No motion was made by the court, itself, to set the judgment aside."

"The judgment is final."

"The gratuitous and meddlesome action and interference by a stranger, in attempting to disturb the adjudication of the court by this strange and incongruous and anomalous proceeding, is, without precedent and without warrant in law and against public policy, and we respectfully submit that it is the duty of this honorable court to affirm the orders of the court below or to dismiss the appeal if the orders made are not appealable."

### TO RECTIFY SHANTUNG MESS

(Continued from page one.)

In 1914 Japan announced that she would support Great Britain's interests by taking the town of Tsingtao, the Chinese wished to send troops to make the attack a converted affair, but were dissuaded. When Japan had secured the town and taken it from the Germans, the Chinese considered the matter merely a "Tientsin question," but it rapidly grew into a "Shantung Question" again when secret treaties were disclosed whereby Japan had obtained more than a year before the peace conference the engagements of Great Britain, France, Russia and Italy to support Japanese claims to all privileges which Germany had acquired in Shantung. Although the Chinese delegates protested that when their country entered the war against Germany and abandoned all treaties and concessions automatically reverted to China, the Paris council followed the secret treaties and provided in the treaty of Versailles for the transfer of all rights formerly belonging to Germany in Shantung, to Japan. The Chinese refused to sign the treaty, and there the matter may be said to rest, though it has since been the subject of almost ceaseless diplomatic discussion.

Is China's Holy Land. "Most of the coast of Shantung is rough, but within this minor barrier, much of the province is plains and country with uncultivated fields of beans and mung beans, a kind of grain sorghum. The level sections of the province are traversed by the great Yellow River, which periodically inundates the country; and the Grand Canal, a waterway second in importance as a commerce carrier only to the Yangtze-kiang.

"Near the central part of Shantung rises Tia-Shan, the highest and most famous of the five sacred mountains of China. A short distance to the south of the mountain is a little town which probably ranks as the most venerated spot in all China, the birth place and burial place of Confucius, one of the world's greatest religious teachers. To both Tia-Shan and the grave of Confucius at Chow-fu, thousands of pilgrims journey annually. The presence of these sacred spots raises Shantung sentimentally above the other provinces. They transmit it into the Chinese Holy Land."

### SIX KILLED ON COLUMBIA

(Continued from page one.)

is due in Portland at 11 o'clock, the railroad offices announced.

The following list of injured was given out by the railroad:

R. J. Fry, Hephner, Ore., seriously. Tom Allen, engineer No. 12, slightly. John Gardner, engineer No. 17, leg broken.

Thompson, fireman No. 12, seriously. Mrs. Victor Terry, Santa Ana, Cal., slightly.

C. F. Foster, Walla Walla, Wash., slightly. Harold S. Kirshraa, Spokane, slightly injured.

Fanny Neal, Dayton, Wash., slightly. Mrs. Martha Trefz, Walla Walla, slightly.

Albert Weltkamp, Greenacres, Wash., slightly. John H. Pedigo, Walla Walla, slightly injured.

A. W. Eiler, Walla Walla, slightly. N. C. Freed, Garfield, Wash., slightly. Albert Oberst, Sherwood, Ore., slightly.

Everet Thompson, Echo, Ore., back sprained. E. A. Poe, Ione, Wash., slightly. Y. C. Mansfield, Sunnyside, Wash., slightly.

O. P. Jarynes, Spokane, shook up. A. Johnson, porter, Chicago, neck sprained. R. E. Folsom, Minneapolis, Minn., leg sprain.

Theodore S. Rubedow, Minturn, Colo., slightly. E. L. Colburn, mail clerk, slightly.

Aid Merchant Marine. WASHINGTON, Dec. 1.—Representatives of the Pennsylvania Southern and Mobile and Ohio railroads at a hearing today before a shipping board subcommittee expressed a willingness to terminate preferential contracts with foreign shipping lines after Commissioner Thompson had stated that such contracts were a menace to the success of the American merchant marine.

# SAYS CRATER LAKE BEST SCENIC BET NATIONAL PARKS

"Crater lake is one of our biggest bets in the west and is destined to become one of the most famous of all the national parks," is the opinion of H. M. Albright, superintendent of the Yellowstone national park and field representative of the director of the national park service, guest of the Forum Wednesday.

"The growth of Crater lake as a tourist attraction in the past year has been simply phenomenal. A year ago it was listed as the worst park on the circuit, by tourists. During the present year it has been the only national park at which no complaints whatever have been received."

"Crater lake, moreover, showed the biggest percentage of increase in visitors in the past season. In 1920 there were 20,135 and in 1921 it rose to 28,617, an increase around 40 per cent."

"We intend concentrating on this park and expect to see it come into larger prominence with each succeeding year."

"The circuit of national parks is destined to become a larger and larger tourist asset and to bring more and more money into the territory where they lie, as the development of highways and the growth of the habit of automobile touring continues. We park people probably know more about automobiles and what they mean than anyone else, for we are in contact with this touring phenomenon as is nobody else. It is only in its infancy and it is almost beyond imagination to try to picture the proportions to which it will grow in future."

"The habit of visiting national parks grew. In 1919 we had a total of 755,000 national park visitors; in 1920, 919,000, and in 1921 it has jumped past the million mark, to 1,700,000. All of this largely automobile travel. When the railways got back into the game of carrying tourists, the national parks will be simply swamped."

# MORSE ON OCEAN, NAVY DESTROYER TO BRING BACK

WASHINGTON, Dec. 1.—The department of justice was understood today to have asked the navy department to send a destroyer to intercept the French liner Paris to bring back Charles W. Morse, of New York, whose shipping contracts have been under investigation. He was reported to have left the country.

It was understood that a naval destroyer would put to sea from a French port within a few hours to intercept the Paris, which left New York last Friday.

NEW YORK, Dec. 1.—Joseph Bourgeois, publicity director of the French line, today confirmed reports that Charles W. Morse, whose shipping contracts are said to be under investigation by federal authorities, sailed for Havre, France, last Friday on the liner Paris. He said he was at the gangway of the steamer and personally examined the passports, which had been issued to Mr. Morse.

WASHINGTON, Dec. 1.—Secretary Denby said late today he had not received a request for a destroyer to intercept the steamer Paris and that he could not take Charles W. Morse from a foreign ship if he were asked to do so.

Navy department officials pointed out that international law prevents the taking of a passenger from a foreign ship at sea.

# BRIEF WIND DOES MINOR DAMAGE

During the brief wind storm of this noon a street light was blown down on West Fourth street near Olson street in front of George Collins' auto as it was passing by, and struck the upper part of the windshield, shattering it. Mr. Collins, who is a limotype operator on the Mail Tribune staff, received a bad cut in the right hand.

Also during this storm the front floor of the Rex Cafe was blown shut so hard that its plate glass was shattered. The wind blew portable things around lively in yards and on the streets throughout the city.

The wind blew down five power poles between Phoenix and Medford.

# PHILIPPINES BUTT INTO ARM PARLEY

WASHINGTON, Dec. 1.—(By the Associated Press)—Request that the American government conference delegation take no action involving the Philippine Islands without calling into its consult the Philippine commissioner in Washington is contained in a joint resolution of the legislature of the island called today to the war department.

# ASHLAND JUSTICE AND M'MAHON ARE UPHOLD BY KOZER

W. P. Hawley, Oregon City's wealthy paper mill magnate, who was recently arrested by J. J. McMahon for speeding within the city limits of Ashland and fined by W. H. Gowdy, justice of the peace, \$20 therefor, threatened to have the governor and secretary of state remove McMahon from office because of the latter's action in arresting Hawley. Justice of the Peace Gowdy has received from Secretary of State Sam A. Kozler the following letter in regard to his and McMahon's actions in the case:

"My dear Judge:

"I have for acknowledgement yours of the 25th, referring to the arrest of W. P. Hawley for speeding inside the city limits of Ashland, and have carefully noted the statements which your letter contains relative to the actions of said Hawley following his arrest by Inspector J. J. McMahon, of the department traffic force, and I desire to thank you for your interest."

"The traffic officers of the department are under no restrictions whatsoever. They are to discharge their duties, regardless of whom it may affect, and I am rather surprised that statements of the character as outlined in your letter should be made by any motor vehicle owners. So far as I know, Inspector McMahon's services have been entirely satisfactory. He is on the job and is entitled to considerable credit for the manner in which traffic is now being regulated in the southern part of the state. He is co-operating with the local officers, and I have had no complaints whatever regarding his attitude toward the public and the manner in which he conducts his work. It is pleasing to note that you, as an officer, are standing back of him, and I want to express my appreciation of your co-operation in bringing about a better condition as relates to the operation of motor vehicles throughout the state."

"Very Truly Yours, SAM A. KOZER, Secretary of State."

seeing trip and was to inspect thousands of Portland school children who were assigned places along his route. A luncheon at a chalet on the Columbia river highway, a banquet at 6:30 and a mass meeting tonight at the armory were features of the day's program of entertainment. The marshal and his party will leave tonight in their special train for San Francisco.

FOCH HERE FRIDAY MORNING (Continued from Page One)

# RESCUE MEN FROM GROUND VESSEL

SAN FRANCISCO, Dec. 1.—Four seamen came ashore safely from the destroyer DeLong which went ashore early today on the rocks a mile and a half south of Halfmoon Bay, Cal. Early in the afternoon the engineer room flooded and the destroyer swung broadside against the shore and began to pound badly, according to reports from the scene.

The officers and crew number about 100 men. The oil tanks also began to empty into the engine room, it was reported. Several destroyers and tugs stood by but of account of heavy sea were unable to get a line to the De Long.

# SCHOOL BOARD HAS GOOD SITE HIGH SCHOOL BUILDING

The board of education through acquiring several parcels of land the past year now possesses a good site of 10 1/2 acres for a new high school building plant facing on West Second street, whenever the time comes to build such a structure. This land is somewhat broken up and separated, but will provide an excellent site for the new high school under the group plan of a number of buildings close together.

First the board purchased the old baseball park of 4 1/2 acres off West Second street of Court Hall for \$4,900, and converted it into an athletic field for present use. Then the board purchased two acres lying west between the athletic field and Woodstock street, of the City of Medford for \$1,000, to be paid for in ten annual payments.

Then only recently came the last real estate transaction when the City of Medford deeded four acres of land lying west of the last previous purchase and facing West Second street, for a consideration of \$4,000.

WAR LOOMS FOR IRELAND (Continued from Page One)

which being those where foreigners reside. The new Bristol was the first of these hostilities to be assumed. Its great doors were battered down, thus permitting the crowds to pour through the building. They began to break windows, some of which were as high as the third floor and to hurl bedding and furniture to the mob crowded into the street below.

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SATURDAY 69c. AFTER SATURDAY \$2.00 STANDARD SELF-FILLING FOUNTAIN PEN. One Day Sale in Order to Advertise THIS CARD IS WORTH \$1.31 TO YOU IF USED SATURDAY. This Card and 69 cents will buy one of our Standard Self-Filling Fountain Pens, Regular Price, \$2.00. SATURDAY ONLY, 69c EACH. All Pens Guaranteed One Year by the Factory. On Sale at MEDFORD PHARMACY.

