

The Weather

Maximum yesterday 47 1/2
Minimum today 24

MEDFORD MAIL TRIBUNE

Predictions

Fair and colder.

Daily—Sixteenth Year.
Weekly—Fifty-First Year.

MEDFORD, OREGON, SATURDAY, DECEMBER 3, 1921

NO. 218

ARBUCKLE
JURY OUT,
CAN'T AGREE

Reported 11 to 1 and 9 to 3
for Acquittal—No Confirmation—Strain Tells On Comedian—Jurors Resume Balloting at Two—Gossip Says Woman for Conviction.

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Defense counsel said it hoped for a verdict today but the prosecution was silent. Court officials announced that the Saturday half holiday and the Sunday holiday would not result necessarily in a verdict being returned as the law specifically provides that the verdict may be returned to the court and announced at any time.

Arbuckle appeared somewhat carefree upon his arrival in court this morning, but at noon he showed that the strain was telling on him. He was in and out of the court room throughout the morning chatting with friends.

Following the bailiff's announcement that the jury would be taken to lunch a court reporter entered the jury room and came out with the announcement that they had started balloting again.

The jury left the building for lunch, however, a few minutes later. Judge Harold Louderback, the trial judge, created a momentary stir when he came into court to call his regular calendar. After so doing he announced that he was going to leave the building and would not return unless the jury wanted him.

The crowd grew larger as the morning progressed and the court room filled gradually. The morning's speculation changed from that of last night which was that the jury was eleven to one for acquittal. This morning the figure was changed in the corridor gossip to three for conviction and nine for acquittal. Gavin McNab, chief defense counsel, said he "did not expect the tall would swing the dog." The prosecution was silent.

The jury appeared refreshed after a night's rest, which began at 11 o'clock last night after it had failed to agree on a verdict in four and a quarter hour's deliberation. Reports that it was divided eleven to one for acquittal persisted today but there was nothing to give any great amount of tangibility to this report. Corridor gossip said that one woman was "holding out" for conviction.

Arbuckle appeared a few minutes before 10 o'clock wearing a thick black overcoat. He did not have the haggard look that he carried away with him last night. He chatted with newspaper men and others in an apparently carefree manner.

URUGUAY ORATORS
HURT IN RED RIOT

MONTEVIDEO, Uruguay, Dec. 2.—Several persons were injured yesterday when police with drawn sabres dispersed a demonstration staged before government house by communists protesting against the conviction for murder in Massachusetts of Sacco and Vanzetti.

Catch Kaber Assassin
Suspect in Italy;
To Try Him There

CLEVELAND, Dec. 3.—Vittoria Pisselli, who is said to have stabbed to death Daniel Kaber, wealthy publisher, two years ago, has been captured in Ripalimosant, Italy, according to word received here from two Cleveland detectives.

As there is no extradition between the United States and Italy for reciprocal offenses, Pisselli probably will be tried in that country.

Pisselli is the last of six alleged conspirators in the Kaber murder plot to be arrested. They were to have been paid \$5,000 by Mrs. Eva Catherine Kaber, the slain man's widow, who also was convicted and sentenced to life imprisonment.

POWERS AGREE TO
WITHDRAW FROM
CHINESE LEASES

Z Yokata Wants "Potential Power to Make Munitions" — China Wins Important Point in Far East Issue—Japan May Withdraw.

WASHINGTON, Dec. 3.—(By the Associated Press.)—Making what was considered a direct allusion to the naval ratio question, Zenozke Yokata, president of the legislative bureau of the Japanese cabinet, in an address here today, declared the true and impartial spirit of disarmament should take into consideration not only the existing strengths of navies, but also the potential powers of each country.

Mr. Yokata expressed the opinion that if the present conference neglected the importance of potential power by which he meant general industrial capacity in supplying war material in time of emergency, it might meet with the disapproval if not the derision of posterity.

The offers from Great Britain, Japan and France were said to be contingent on fulfillment of conditions which China was expected to meet.

WASHINGTON, Dec. 3.—(By the Associated Press.)—Another important point in the Far Eastern discussions of the armament conference was won today by China in the committee of nine powers, Great Britain, Japan and France agreeing to retire from much of the leased territory of China.

Japanese representatives, it was said, agreed to give up their leased territorial holdings in Shantung and also were reported as offering to discuss retirement from their special territorial privileges in Manchuria.

M. Viviant, France, expressed willingness to retire from Wwang Chow, the French leased territory.

British spokesmen, it was said, followed with a proffer to give up the British leased territory of Wei Hei Wei.

LORENZ' COMING
TO CHICAGO BRINGS
DOCTOR'S PROTEST

CHICAGO, Dec. 3.—Ten prominent Chicago physicians issued a joint statement today pointing out the harm to invalids they thought would arise from publicity given to Dr. Adolph Lorenz, Vienna surgeon, who is expected to visit Chicago soon. It was stated unofficially a number of Chicago hospitals had decided not to invite Dr. Lorenz to hold clinics.

The statement said that the American medical profession looks with disfavor on newspaper publicity of the type Lorenz has received and added: "Such publicity inevitably will arouse a response amounting to hysteria, which will bring so many unfortunate cripples of all sorts—so many infirm—that careful, deliberate examination of their files will be physically impossible and bitter disappointment will come to many hopeful sufferers led to expect the impossible."

EXONERATE S. P.
FOR BLAME RED
BLUFF TRAGEDY

Fix Responsibility for Crossing
Tragedy Upon Driver—No Fog at Time, As Reported—Boy Drove Death Car—Want Rigid Rules.

SAN FRANCISCO, Dec. 4.—Responsibility for the death of 14 high school students is placed upon the driver of the motor bus by the board of inquiry appointed to inquire into the crossing accident which happened near Red Bluff Wednesday morning, according to telegraphic report, just received by Wm. Sprague, president of the Southern Pacific.

This accident occurred when the Low Molinos-Red Bluff high school stage was struck by Southern Pacific train No. 15, the 14th victim died today.

The board of inquiry places full responsibility for the accident upon the driver of the motor bus and fully exonerates the railroad and its employees.

The automobile bus was owned and operated by the Red Bluff Union high school. It was in charge of one of the students, a 17-year-old lad who was employed by the school at a salary of \$20.00 per month.

Early reports that accident was due to heavy fog were not substantiated by witnesses at this hearing. A light drizzling rain prevailed with clear vision for one half to three-quarters of a mile.

In closing the board recommends that a suitable law be enacted requiring drivers of automobiles to stop, look and listen before attempting to cross railroad tracks at grade.

The board of inquiry consisted of citizens and railroad officials, as follows: C. D. Strom, Walter Stewart, merchants; Red Bluff, C. Ross, master mechanic; J. A. Given, division engineer; J. W. Fitzgerald, superintendent.

The following is the full text of the findings of the board of inquiry: Circumstances: Train 15 in charge of Conductor V. Snider, and Engineer V. O'ary, consisting of thirteen cars, while running at a speed of about 40 miles an hour at about 10:15 a. m., November 30th, collided with enclosed Mitchell automobile bus, capacity about twenty-five passengers, owned and operated by Red Bluff Union high school driver by Charles Bosworth, high school student and occupied by fourteen other students, at county road crossing just west of station Proberta, resulting in the instant death of Freelyna Faehl, Fern White, Cheluis Benefield, Edith Day, Bernice Jack, Willie Babbitt, Harold Anderson and Rhueva Babbitt, and fatal injury to Marion Day, Frank Jack and Charles Bosworth, with serious injuries to Opal McNaughton and Eva Lindeman.

The county road at this point parallels the railroad for a distance of about one mile east of Proberta where it crosses at right angles to state highway, running north and south. The crossing at this point has unobstructed view of a train approaching from the north, track being tangent between Gerber and Rawson. The testimony of witnesses established the fact that auto bus did not stop or take any precautions to guard against the approaching road crossings for station at both Proberta and Gerber and bell was ringing and in addition engineer sounded shrill crossing whistle after a car had proceeded over the crossing just ahead of the Mitchell car as an additional precaution. The weather at the time of accident was a light drizzling rain or mist, with clear vision for one-half to three quarters of a mile.

Opinion As to Responsibility. It is our opinion from the testimony of witnesses that the Southern Pacific company or employees of train No. 15 were in no way responsible for this accident and that had due precaution been taken before attempting to cross track on the part of driver, the accident would have been avoided.

Recommendations. It is our recommendation that a suitable law be enacted requiring drivers of automobiles, both family cars and passenger carrying buses to stop, look and listen before attempting to cross railroad track at grade and we further recommend to the Red Bluff Union high school board that the drivers of high school buses be especially instructed and required to stop and have some one proceed to the track and ascertain that everything is clear and signal them across before crossing.

OLYMPIA, Wash., Dec. 3.—Armistice day is not a school holiday in Washington state, according to a ruling of Attorney General L. L. Thompson filed today in an opinion asked by State Superintendent Mrs. Josephine Corliss Preston. The board of public school directors cannot dismiss school for the whole day even though they will not claim credit for attendance on that day, the opinion stated.

WINDOW DISPLAY
FOR XMAS DRAW
RECORD CROWDS

The unveiling of the special Christmas display windows, last evening at 7:30 by practically all local merchants, marked the beginning of the holiday season and the awakening of the Christmas spirit in Medford and vicinity.

All the lights in the city were cut off for two periods of ten seconds each at about 7:30 and at this time the windows were unveiled revealing displays which would have been a credit to a large city. The city band paraded the streets for more than an hour passing all the stores and business houses which had prepared a special display for the occasion.

Many of the merchants offered prizes for the person guessing nearest to the value of articles on display, or to the number of articles or weight of them. The windows which offered these attractions drew large crowds, which gave certain portions of Main street the busy appearance of Market street, San Francisco, minus several street car tracks, the Palace hotel and a few other minor embellishments.

Evergreen trees at every lamp-post on the principal streets of the city added to the general Christmas atmosphere. It is suspected, by the way, that several merchants confiscated portions of the trees for window trimming purposes.

Practically all of Medford's population as well as many inhabitants of outlying districts attended the unveiling and admired the numerous clever and artistic displays.

The occasion was planned ostensibly for the purpose of showing the population of Medford and the whole valley what Medford merchants had to offer and the numerous displays brought to light a surprising amount and variety of first quality products, both in the everyday necessities and in novelties.

The success of the venture is undisputed and demonstrates what the co-operation of merchants and business men of the city, coupled with a generous quantity of printer's ink, will do.

FOCH WELCOMED BY
FRISCO THOUSANDS

SAN FRANCISCO, Dec. 3.—Marshal Ferdinand Foch, arriving in San Francisco today, was greeted by thousands who packed the sidewalks along Market street as he passed up Market street at the head of a military and naval parade.

Leaving his special train at Berkeley, the French military leader was driven through the University of California grounds and on Oakland pier boarded a special ferryboat to take him across the bay to San Francisco. City, state, army and navy officials welcomed him.

FOOTBALL SCORES

STADIUM, SEATTLE, Dec. 3.—Score end first period: Pennsylvania State college 7; University of Washington 0. STADIUM, SEATTLE, Dec. 3.—First period: Penn State scored two minutes after play began, Knabb carrying the ball over from the one-yard line after Wilson, Redinger and Killinger had taken it easily down the field in a series of long gains through the Sun Dodger line and around the ends. Killinger kicked the ball. The Nittany Lions started a new offensive and carried the ball to within striking distance of the goal but a 15-yard penalty and an intercepted pass by Washington gave the ball to Washington. Killinger had the advantage in a punting duel and the ball stayed in Purple and Gold territory. Wilson made 12 yards on an off tackle play and Killinger got through for 29 more through right tackle. Washington held and the ball went over to Washington on the Sun Dodger's 20-yard line. Wilson of Washington punted to midfield, where the ball stayed until the period ended. Score: Penn State 7; Washington 0.

Clearing House Conditions NEW YORK, Dec. 3.—The actual condition of clearing house banks and trust companies for the week shows that they hold \$17,987,800 reserve in excess of legal requirements. This is an increase of \$3,451,330 from last week.

Doctor Convicted. GREAT BEND, Kas., Dec. 3.—Dr. W. A. Nixon today was convicted of first degree murder growing out of the slaying of Arthur Banta, a young attorney.

DRY AGENT HELD
UPON WARRANTS
'SHINE' SECURES

A. B. Gates, Star Witness in Bootleg Cases, Charged in Three Complaints With Violation Liquor Laws—Hearing Set for Next Saturday.

A. B. Gates, a special prohibition agent, and chief witness for the state in several of the bootlegging cases heard at this term of the circuit court, was arrested Friday by Sheriff Terrill, upon warrants sworn to by James (Shine) Edwards, himself a defendant in two bootlegging trials, both resulting in a hung jury, in which Gates was the star witness, charging possession and giving away of liquor. The warrants were sworn out before Justice Smith of Gold Hill and before whom the defendant was arraigned Friday. Gates was released on his own recognizance, and his preliminary hearing set for next Saturday at Gold Hill. Attorney O. C. Boggs acts as attorney for Gates.

It is claimed that when Sheriff Terrill showed a disinclination to serve the warrants, after Gates had refused to be placed under arrest Thursday night at midnight, District Attorney Rawles Moore and Attorney Boggs insisted on the arrest being made by the sheriff in order that the cases might come to trial. They apparently welcome such a trial and a fight to the finish.

The episode of Edwards swearing out a warrant for Gates' arrest seems to have aroused more feeling between the wets and dries of Medford than anything that has happened since the raids made by the state prohibition agents last August.

The warrant against Gates is the outgrowth of the bootlegging trials at which Gates was the chief witness. He appeared as the chief witness in the Goodwin and the two Edwards trials, and in each case a hung jury resulted. A wide discrepancy existed in Gates' testimony, and jurors in all the trials freely admitted that the disagreements were due to the inability to accept the testimony of Gates.

The testimony in the Edwards case revealed that Gates while on detective duty had taken a byride to Crater Lake last summer in Edwards' taxi, and witnesses testified that he was "drunk" at a dance given at Prospect. The details of this jaunt were salacious in spots. Considerable sentiment developed against Gates by reason of his testimony. In the Goodwin trial disagreement the same factor influenced the jury.

In support of Gates, it is contended by his supporters that his methods were the only way to procure evidence against bootleggers.

The first known of the effort of Edwards to cause Gates' arrest was when A. J. T. Smith, justice of the peace at Gold Hill called up the district attorney's office here Friday morning, seemingly in a much perplexed state of mind, and stated to Attorney George Coddling, acting district attorney while Rawles Moore's time is occupied in circuit court, that a man who gave his name as James Edwards had filed three complaints in his court against a man named A. B. Gates, one for having liquor in his possession on August 6th, 7th, and two for giving away liquor on August 7th and 16th. Justice Smith stated also over the telephone that the complaints had been filed in his court by an attorney whom he said he did not know, and that he wanted to get the case out of his court as soon as possible. Coddling then called and informed him that neither District Attorney Moore nor himself could be present at that time, and to go ahead with the arraignment of Gates and set the hearing for some time next week, and to release Gates on his own recognizance. This was done.

Gates Bluffs Sheriff. The first Gates knew of the warrants being out against him was when on Thursday night at midnight Deputy Sheriff Fonercock appeared at his room at the Hotel Medford with the warrants to place him under arrest. Gates absolutely refused to be placed under arrest at that time, stating as he was a special state agent or officer, he could not be arrested on such charges at that time. He volunteered to go into court himself next day, it is said.

Deputy Sheriff Fonercock was thrown up in the air by Gates' attitude. It is further said, and consulted Sheriff Terrill, who was likewise somewhat muddled up by this situation.

When Gates reported to the district attorney and Attorney Boggs on Friday of the effort to arrest him, they demanded that the warrants be served. It is claimed by Gates and his friends were out to obtain revenge, and that the fact that the complaints were sworn out

(Continued on page six.)

Plug Hat Delegation
Wait While Foch
Greets War Mother

SAN FRANCISCO, Dec. 3.—Silk-hatted welcomers of Marshal Foch had to delay their greetings on the ferryboat which brought the French war leader across San Francisco bay today while he talked to a French war mother who greeted him with "Je suis une mere de guerre." (I am a war mother).

He shook her hand warmly and said: "You should be a proud woman. Your son, I see, won the croix de guerre with the palm decoration. He was a brave soldier of France. Wear your military medal with honor madam."

"His name was Noel Delmarly," she replied. "He was my only son."

NEW ERIN PEACE
OFFER FAILS TO
CHEER FACTIONS

Sinn Fein Delegates Think De Valera Will Not Accept—All Ireland Parliament May Postpone Negotiations—L. George May Come to Parley.

DUBLIN, Dec. 3.—(By the Associated Press.)—Members of the Dail Eireann cabinet assembled today to consider the British government's latest proposals for an Irish peace settlement. There is little optimism as to its decision and Sinn Fein peace delegates to London are reported as believing the revised terms will be unacceptable to DeValera and his advisers. The exact nature of the proposals is not known, but they are said to be based on an all-Ireland parliamentary government. Later, it is understood, would be required to remain in this parliament at least six months when she could withdraw at her option.

One version of the new terms is that they deal with the Sinn Fein objection to swearing allegiance to the crown by providing that allegiance be sworn to the Irish free state, the commonwealth of nations known as the British empire and to the king as head of that community of nations.

In the event the new terms are unacceptable to the Dail cabinet, it is believed the Sinn Fein have been asked to present a proposal on behalf of the British government for a postponement of the negotiations not only to allow for a possible adjustment of views, but to permit Premier Lloyd George to make a brief visit to the Washington armament conference.

RELFASST, Dec. 3.—(By the Associated Press.)—The members of the Sinn Fein peace delegation, bound for Dublin had to return to England today when the steamer Cambria on which they were travelling, collided with a schooner soon after leaving Holyhead, England. The schooner was sunk and three of her crew drowned.

Cambria returned to Holyhead damaged. The Irish delegates on board were Michael Collins, George Gavan Duffy and Erskine Childers.

DETROIT JOBLESS
HOLD CONFERENCE
FOR FEDERAL AID

DETROIT, Mich., Dec. 3.—A two-day national conference of the unemployed called with the intention of arousing public opinion in behalf of men and women out of work to the end that governmental aid might be given opened here today.

Two proposed relief measures were on the program for discussion. These were extension of aid to unemployed by the government, and nationalization of some basic industry in order that work might be apportioned among a great number of persons.

Discussion of these questions was expected to consume the greater part of the day's sessions. Tonight Senator LaFollette and Glen E. Plumb were scheduled to address a mass meeting. William Z. Foster will be in charge of the final session tomorrow, speaking concerning Russia.

ANGLO-JAP
PACT MAY BE
ABANDONED

Tokio Considers Changes in Naval Hopes—5-5-3 Plan Stands—Want Pacific Forts Halted—Expects Concessions Will Cause Acceptance By Mikado.

WASHINGTON, Dec. 3.—(By the Associated Press.)—Negotiations in the naval ratio question were practically at a standstill while the Japanese delegates awaited further word from Tokio.

By today the results of yesterday's conference between the principal American, British and Japanese delegates were under study by the Japanese cabinet and the diplomatic advisor, council.

All indications were that whatever had been proposed as means of bringing the United States and Japan together did not involve any abandonment of the 5-5-3 ratio proposed by the United States and supported by Great Britain but rather concerned other considerations, which the Japanese regard as necessary to them.

Chief among these was understood to be the question of further fortification of the American bases in the Pacific which the Japanese wish to see checked. The relation of fortified bases is such to fleet ratios that there was a suggestion that the Japanese might regard the 5-5-3 proposal as not inconsistent with their standard of national security if details regarding them could be arranged.

The was decided impression among other delegates, not represented in yesterday's conference of the "big three" that the means of approach to a settlement had been found outside from any alteration of the 5-5-3 ratio.

In general discussion of the secret negotiations there is a general feeling that the Anglo-Japanese alliance is being dealt with and that there soon will appear a plan, approved by both Great Britain and Japan to abandon that much discussed agreement and substitute it with some other sort of agreement to which the United States might be a party, one suggestion is for a set of arbitration treaties between the three powers with a provision that Japan would not be involved in war without six months or a year's notice. Another consideration being discussed involved Japan's position in China.

The general feeling among delegates is that concession to Japan, if they may be properly termed, may be made, which will cause her to accept the 5-5-3 intact.

FUGITIVE BANDIT
FOUND AT STILL

PORTLAND, Ore., Dec. 3.—The sheriff today had in custody the last of six persons accused of complicity in the recent holdup of the Liberty theater here in which \$9,162 was stolen. John Printer of Vancouver, Wash., whose wife and son were arrested Saturday was taken into custody late last night at Tobias station, near Portland, where officers reported they found him assisting a friend operating a moonshine still on a farm.

Printer turned over \$600 which he said was the last of \$2,000 he had received as his share. Harry Barney received \$1700 and Leon Seredreck and Joe Watkins, others under arrest, had \$1500.

APPROVE FINANCES
FOR FARM LOANS

WASHINGTON, Dec. 3.—Approval of advances aggregating more than \$5,500,000 was announced today by the war finance corporation. Agricultural and livestock loans of \$5,450,000 were distributed among 24 states including Nebraska, Colorado, Arizona, New Mexico, Oregon, Iowa, South Dakota, Idaho, Utah, Nevada and Texas. The corporation also announced that a livestock loan company had been established in Montana with an authorized capital stock of \$500,000 and will be doing business within ten days.