University Library Xb

The Weather
Prediction ..... Fair
Maximum yesterday 40
Minimum today 35

MEDFORD MAIL TRIBUNE

Weather Year Ago
Maximum 45
Minimum 32

Daily—Eighteenth Year.
Weekly—Fifty-Third Year.

MEDFORD, OREGON, SATURDAY, JANUARY 12, 1924.

NO. 250

PROHIS LOSE DECISION IN LABBE CASE

Search Warrant Used in Raid On Prominent Portland Resident Declared Illegal By Judge Who Issued It—Liquor Held, However, As Being Contraband.

PORTLAND, Ore., Jan. 12.—The search warrant under which state prohibition agents on New Year's night raided the home of A. G. Labbe, was today declared illegal by District Judge Martin W. Hawkins on the ground that the warrant was issued on an anonymous tip. Judge Hawkins at the same time decided that two bottles of liquor seized in the raid should be turned over to the constable as contraband.

Labbe's attorneys had attacked the validity of the search warrant and had demanded that the liquor be restored to Labbe. The hearing in district court this week attracted wide attention because of the fact that this was the first case in which dry agents in Portland had raided the home of a prominent resident. Labbe is president of the Willamette Iron and Steel Works, and the raid was made while a New Year's party was in progress at his home.

The search warrant was issued by Judge Hawkins himself on application of State Prohibition Enforcement Officer George L. Cleaver.

In his ruling Judge Hawkins said: "In the exercise of their great powers courts have no higher duty to perform than those involving the protection of the citizen in the rights guaranteed him by the constitution.

"And, if, at any time the protection of those rights should delay or even defeat the ends of justice in a particular case, it is better for the public good that this should happen than that a great constitutional mandate should be abused and set aside.

"In applying this principle we recognize no distinction between the rich and the poor.

"The laws of our state provide that in case the grounds for issuance of the warrant be contraverted and the court finds at the hearing that the probable cause did not exist for the issuance of the warrant the magistrate must cause the property to be restored."

The court explained however, that the property is not to be restored if definable as contraband and under that interpretation of the law, ordered the liquor destroyed.

PENDLETON GIRL IS HELD FOR FORGERY

PENDLETON, Ore., Jan. 12.—Mrs. Regina Safely, brought here recently from Portland on a bad check charge, was arraigned yesterday in the justice court and was held over for a hearing this afternoon. Mrs. Safely is charged with having passed some $70 worth of valueless checks here a week ago, while posing as a nurse about to go out on a case.

Mrs. Safely is wanted in Seattle on a similar charge.

Bandits Capture Junks.

SHANGHAI, Jan. 12.—(By the Associated Press)—Bandits have seized four junks loaded with wood and oil, belonging to the American firm of L. O. Gillespie Sons, on the upper Yangtze river and are holding them for a ransom of $16,000. The seizure is reported to have taken place about 30 miles below Wanhsein, province of Szechuan.

Mysterious Disease in California Town; Doctors Are Baffled

SACRAMENTO, Cal., Jan. 12.—Announcement that the state board of health had ordered an investigation of a mysterious disease which is reported to have made its appearance in Santa Ana was made here today by Dr. Walter M. Dickie, secretary and executive officer of the board.

Reports reaching the state health authorities here stated that between 2000 and three thousand persons have been stricken with the disease in a short time, although so far as known there have been no fatalities. The disease causes nausea.

KLAN REFUSES TO DISARM AS TENSION GROWS

MARION, Ill., Jan. 12.—(By Associated Press). State militiamen stationed at Marion and Herrin following the request of Sheriff George Galligan to Adjutant General Black to send aid in maintaining "protection of life and property," in the recent trouble arising from liquor raids of the last few weeks, have settled down for an indefinite stay in Williamson county, according to their officers.

Three peace conferences held within the last few days apparently have accomplished little, according to statements by Sheriff Galligan and Sam Stearns, exalted cyclops of the Ku Klux Klan, which organization is alleged to have played a considerable part in the raids. Stearns said last night he did not expect "any volunteer disarmament of the klan inasmuch as they expect trouble."

Victor L. Armitage, federal prohibition enforcement officer, who, it is alleged, deputized S. Glenn Young, dry worker, permitting him to make raids in the county, is to meet W. H. Anderson, Chicago, division chief of federal prohibition enforcement, in East St. Louis today to explain the entire situation.

When questioned as to the whereabouts of Young, who is reported missing Armitage declined to make any statement.

PROFESSOR LEWIS DIES IN CHICAGO

SALEM, Ore., Jan. 12.—C. I. Lewis, organizer of the Oregon Growers' Cooperative association and assistant manager of the association for four years prior to going to Chicago to become managing editor of the American Fruit Grower two years ago, died at his home in that city today, according to word received at the offices of the Growers' association this afternoon.

For fourteen years Mr. Lewis was chief of the division of horticulture of Oregon Agricultural college and it was while engaged in this capacity that he became interested in the organization of a co-operative sales agency to handle the products of fruit growers in the state. Largely through his efforts the Oregon Growers' association was organized and he resigned his position at the college to become assistant general manager.

Mr. Lewis was born in Cardiff, Wales, April 12, 1880, and came to this country when but a child. He was a graduate of the Massachusetts Agricultural college, Amherst, Boston university and received his M.H.S. degree at Cornell.

Fiume Question Settled.

ROME, Jan. 12.—Today's newspapers publish telegrams from Belgrade which assert the Fiume question has been settled by the annexation of Fiume to Italy and the Porto Barros delta to Jugo-Slavia, with both ports having common administration.

PUBLIC SERVICE COM. OF OREGON ASKS NEW LAW

State Commission Urges Oregon Delegation to Work for Laws Giving Them More Power to Regulate Rates Within the State.

SALEM, Ore., Jan. 12.—Acting upon concerted action arranged at the recent convention of state railroad and utility commissions at Miami, Fla., the Oregon public service commission today addressed a letter to the Oregon delegation in congress urging that it use its influence for legislation that would give greater power to the state commission and in some respects curtail the power of the inter-state commerce commission relative to state affairs. The desired legislation would be in the nature of amendments to the inter-state commerce act.

The first amendment asked for is one to remove all question as to the continued power of state authorities "to require common carriers to make additions and betterments to their plants and facilities reasonably necessary for safe and proper service to the public."

Another amendment asked is one to limit the power of the inter-state commerce commission so that no intra-state rate may be changed or set aside without proof that the rate injures persons or localities. It is argued that the group plan of making rates provided in the intra-state commerce act is uneconomic and unsound.

Another change demanded would provide that the regulatory authorities of the states may make orders and regulations not in conflict with federal laws, requiring cars within the state borders to be equitably distributed to the shippers without regard to whether they ar edesired for use in shipments that are inter-state or intra-state.

The state commissions further urge an amendment to restore to the states "all the rights, powers and authority enjoyed by each relative to certificates of convenience and necessity prior to enactment of the transportation act of 1920."

The inter-state commerce commission is accused of failing to report to state commissions its valuations of railroads because of lack of funds and congress is urged to make an appropriation to make this possible.

WILLS OFFERED A MATCH WITH FIRPO

NEW YORK, Jan. 12.—The 1924 heavyweight fistic tourney, in which prizes are opportunities to tilt with Jack Dempsey, today appeared to provide engagements for all contenders with the announcement by Tex Rickard yesterday of preliminary negotiations for a bout here early in July between Harry Wills, negro challenger, and Luis Angel Firpo, the South American giant, who last exchanged fistcuffs with the champion.

Rickard declared that he had submitted a proposal for a bout at the Polo grounds, the winner to meet Dempsey on Labor day in some local arena.

He conferred with Wills and his manager, Paddy Mullins, who, he said, promised to answer the proposition some time next week.

COPCO TO BUILD A NEW $100,000 LINE

The California Oregon Power company are to build a new high tension 66,000 volt line with completely new equipment, between Ashland and Gold Ray. While this work is being done the old line, a high tension one of 34,000 volts, and the service on the line will be continued as before.

This work will cost about $100,000 and is to begin as soon as materials and equipment can be brought together, according to H. L. Walther, local manager of the power company.

MARSHFIELD MAYOR TO BE MARRIED TONIGHT

MARSHFIELD, Ore., Jan. 12.—Mayor Duncan Ferguson of Marshfield, and Miss Margaret Guthrie, recently of Pratt Institute, New York, will be married at Portland tonight, it was announced here today. The wedding will be the culmination of a romance begun many years ago, according to friends.

BANKER SAYRE FIGHTS FOR KLUXEN BOY

Madison, N. J.— Monell Sayre, wealthy philanthropist, who has taken into his home and adopted as his son Francis Kluxen, who was tried and acquitted some months ago of the murder of eleven year old Jeannette Lawrence. Members of the Grace Church and the vestrymen have warned Sayre never to bring the boy to church again, as he will be denied admittance.

EX-SERVICE MEN GET FIRST CHANCE AT OREGON LAND

THE DALLES, Ore., Jan. 12.—Ex-service men will be given preference for 91 days until May 2, in filing upon the old land grant to The Dalles Military Road company which was thrown open to entry today under the homestead and desert land laws by the federal government. After May 24, untaken tracts will be open to the general public. The strip comprises disconnected tracts three miles wide on each side of the old trail, running through Sherman, Wheeler, Grant and Malheur counties.

An exact check on the amount of land contained in the opening is to be completed Monday by the federal land office at The Dalles.

WASHINGTON, Jan. 12.—A strip of land extending across Oregon from Dalles City, on the Columbia river, to a point on Snake river, opposite Fort Boise, Idaho, was ordered thrown open to entry today by the interior department.

The land originally was a part of the public domain granted for the construction of a wagon road by The Dalles Military Road company and the Eastern Oregon Land company in 1867. It is now proposed to open the remaining tracts under the homestead and desert land laws that have not already been patented.

Daily Report on the Crime Wave

LOS ANGELES, Jan. 12—Two bandits operating in a light touring car late last night worked successfully a new plan for relieving pedestrians of their cash and valuables, robbing ten citizens in a series of eight holdups in about one half hour and obtaining loot amounting to $500, according to reports to the police.

BUTTE, Mont., Jan. 12.—George Rajonovich, miner, fatally shot his wife and then shot and killed himself in their home in an eastern suburb of Butte early today. Mrs. Rajonovich's former husband, Louis Adler, was murdered by highwaymen in the same house in 1916. There are seven children ranging in age from 20 to 5.

Death Toll of the Automobile

LOS ANGELES, Jan. 12.—Ralph D. Green, motor patrol officer, was instantly killed and his companion officer, Vernon D. McCurdy, was seriously injured here early this morning when their automobile overturned while the officers were chasing a stolen car.

PORTLAND, Ore., Jan. 12.—Louis Crick, 65, died today from injuries suffered December 17 when he was run down by a truck.

Constance Talmage Stricken Blind, But Will Soon Recover

LOS ANGELES, Jan. 12.—Constance Talmadge, film actress, is temporarily blind due to "Kleigeyes" brought on by work under the fierce glare of studio lights, it was announced at her home here today. The malady struck her yesterday. It is expected she will be back at her studio by Monday.

SAYS SISKIYOU HOLDUP WORK STATE RADICALS

American Legion Man in Portland Claims D'Autremonts Were Not After Cash, But After Legion Boys En Route to San Francisco.

PORTLAND, Ore., Jan. 12.—Members of the American Legion in Oregon will be warned to be on the lookout against radical activities of the Industrial Workers of the World, as a result of a decision reached at the meeting here today of the executive board of the second Oregon district of the legion. All posts will be asked to report any "red" activity in their localities.

The decision was reached following a statement made by C. J. Johnson of Silverton, Ore., who said he had been informed that radicals were secretly preparing for a "direct action" demonstration in this state.

Johnson said he was informed by John Slovey, a railroad engineer that radicals had boasted that the holdup of a Southern Pacific train in southern Oregon last October in which four of the train crew were killed, was the work of radicals, who made a mistake in the train attacked, having intended to blow up a train carrying American Legion members south to San Francisco.

LABOR CONDITIONS IN OREGON, 1923, UNUSUALLY GOOD

SALEM, Ore., Jan. 12.—Oregon was remarkably free from strikes and labor troubles during 1923 and employment was more plentiful than at any time since the close of the world war, and indications are that employment will be plentiful throughout this year. Wages have again taken an upward swing. These are the high points in a statement covering the labor situation prepared by C. H. Gram, state labor commissioner.

The lull in employment in the last weeks is attributed to seasonal causes. Difficulties on the Portland waterfront and the railroad shopmen's strike carried over from the previous year, but he says both were of passive nature.

In the spring the I. W. W. succeeded at some points in tying up logging and construction camps for a few days as part of a political demonstration. What is termed the one serious labor difficulty of the year, was the strike of linemen employed by the Northwest Electric company, commencing late in the year and still continuing.

Placements of license fee charges on employment agencies in Oregon during 1923 were 115,948 as against 93,739 the previous year. This is considered a fair barometer of the industrial situation. Placements by public employment offices charging no fees totalled 4743. Offices are located at Portland, Salem, Eugene and Marshfield with the United States employment service co-operating.

The average daily wage in the logging industry in 1923 averaged from $3.96 to $5.80.

EUGENE BOY BOUND OVER ON MURDER CHARGE

EUGENE, Ore., Jan. 12.—Whitney Palmer, 17, was bound over to the grand jury late yesterday on a charge of killing Ralph Lammers, 20, who died Thursday night, two hours after he had been attacked by Palmer with a knife during a quarrel at Cottage Grove. This action of the Cottage Grove justice of the peace was taken following the coroner's inquest.

EX-MAYOR CANON IS WITNESS IN PORTLAND

ROSEBURG, Ore., Jan. 12.—H. A. Canaday, of Medford, arrived in Roseburg today and took over the office of register of the United States land office, succeeding W. H. Canon, also of Medford, who is now in Portland serving as a witness before the federal court, in suits involving the title to former government lands.

Mr. Canaday started in at once to clean up the accumulation of work, caused by the absence of Mr. Canon, and will be very busily engaged by his duties for several days.

Pool Hall Man Dies; Special Dry Officer Charged With Murder

ABERDEEN, Wash., Jan. 12.—A. E. Graham, prosecuting attorney of Grays' Harbor county, last night filed a charge of second degree murder against Special Officer Wilbur Hollingsworth as the result of the death late yesterday of Dzmaria,, who was fatally shot Thursday night in a dry squad raid on a South Aberdeen pool hall. August Koski, who was in the pool hall at the time of the raid, was also shot but only slightly injured.

PIERCE FAVORS STATE GROWING GARDEN TRUCK

SALEM, Ore., Jan. 12.—That he will ask the legislature at its next regular session for an appropriation of $40,000 for the construction of an industrial building at the Oregon state hospital and also for an appropriation with which to purchase 200 or 300 acres of garden land along the Willamette river where garden truck for all the state institutions can be produced, was the announcement of Governor Pierce made today in addressing the county judges and commissioners of the state when they assembled at the state hospital for lunch.

Governor Pierce said that not until he became a member of the state board of control did he realize the necessity of an industrial plant at the asylum although an appropriation for such a purpose had been asked of the legislature by Dr. R. E. Lee Steiner, superintendent of the institution, repeatedly.

Pointing out that because of the nature of the institution the asylum can never be made to be completely self supporting, the governor declared that a large number of the patients could be put to work at gainful occupations in such a plant.

County Judge H. E. Cross of Clackamas, in introducing Dr. Steiner, declared that in his estimation the state hospital was one of the most efficiently administered institutions of its kind in the country. The applause which greeted this announcement was drowned out completely by the ovation given James E. Stewart of Corvallis, when he said:

"In my travels about the state I have found public sentiment almost unanimous for the retention of Dr. Steiner and Dr. Griffith as heads of the institution.

"Any attempt to oust Steiner and Griffith would meet with the same reception on the part of the voters as would a movement to recall Governor Pierce and Secretary of State Kozer."

ASK FOR REHEARING IN PORTLAND WILL CASE

SALEM, Ore., Jan. 12.—Alleging that the recent decision of the supreme court divesting the Christian Science churches of Portland of the administration of the Wemme endowment fund is not in accordance with the will of E. Henry Wemme, Senator George W. Joseph, who drew the document, today filed a motion with the court asking for a re-hearing in the case. The senator filed the motion as a friend of the court, and in it he declares that he is confident that if given a hearing he can give the court additional information that will make it possible for the court to carry out the intentions of Wemme as expressed in his will.

MELLON IS CHALLENGED TO A DEBATE

Senator Couzens Wants to Argue Reduction of Excess Profit Taxes—Cites Own Experience to Show Proposed Reduction Would Protect Men of Large Wealth.

WASHINGTON, Jan. 12.—Secretary Mellon was challenged today by Senator Couzens, republican, Michigan, to a joint debate on the question of the necessity of reducing income surtaxes from 50 per cent to 25 per cent and stopping the issuance of tax exempt securities as a means of diverting capital to productive enterprise.

In his letter to Secretary Mellon, the third in a series of exchanges between the treasury head and the senator on the tax question, Mr. Couzens declared that the percentage of tax exempts on the market—$11,000,000,000—was so small, compared with the $120,000,000,000 to $125,000,000,000 of other securities, "as to give an appearance of the whole discussion as a tempest in a teapot."

Senator Couzens cited from treasury reports to support his contention that the receivers of large incomes were not escaping any such large amount of sur-taxes through the ownership of tax exempt securities as "would make it desirable for the government to lower surtaxes in order to secure more revenue for itself or to release capital for business investments."

Cities Must Have Money

The Michigan senator declared that states and municipalities must have funds from some source for improvement and asked the secretary if he contended that it was less productive to invest money in school houses, water works, electric lighting plants, state railway plants, good roads, colleges, sewerage systems, and health serving institutions than it was in theaters, office buildings, motion picture houses, ball parks, distilleries, breweries, chewing gum and cosmetic factories and the like.

Senator Couzens argued that to reduce the sur-tax would result in a deluge of dividends out of industry to private individuals and added that the mere transfer of ownership from one person to the other through the sale of stocks and other investments would "have not constructive force in the country's business." On the other hand he said, the distribution of cash dividends would result in taking out of many industries large amounts of capital which they now hold in their treasury.

Recites Personal Experience

"As a personal experience in this matter," Senator Couzens write, "I desire to point out that during the ten years that the federal government has collected income taxes I have paid into the federal treasury $8,223,679, nearly all of which has been sur-tax. In 1920, based on 1919 income, I paid 65 per cent surtax, or a total of $7,229,161, to the federal treasury.

"This resulted entirely from a transfer of ownership of certain property I had and in no way had any effect whatever on the industry of the country. Had the present law been in force I would have saved nearly $2,000,000, and if your present proposal of a maximum of 25 per cent in surtax had been the law, I would have saved nearly $4,000,000; so I do not see where the country gains by creating these enormous savings for those well able to pay."

Senator Couzens contended that "such men as the late William Rockefeller, who are quite familiar as you

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CALIFORNIA LEGION OFFERS TO WORK FARMS IN PLACE OF JAPANESE LABOR

SAN FRANCISCO, Jan. 12.—The American Legion in California "stands ready to send ex-service men to every farm in California that would suffer through the departure of Japanese farm workers," Morgan Keaton state adjutant of the organization said here today.

A million dollar corporation has been formed in the state to assist Japanese and their American friends in avoiding the anti-alien land act, Keaton said.

The purpose of the $1,000,000 corporation, according to a translation from an editorial in the Japanese-American News of San Francisco, is "to render aid to the general farming industry by investing in farm lands and farm products and further financial assistance to the Japanese farmers in California," the statement by Keaton said.

The paper, he adds, asks the Japanese of the state to contribute liberally, "in order to make the plans of the corporation successful."

80 RELIGIOUS FANATICS KILLED BEFORE U. S. CONSTABLES ARE DRIVEN AWAY

MANILA, Jan. 12.—(By the Associated Press)—Eighty members of the Colorum, a religious society were killed at Bucas island last week in a clash in which a number of constabulary soldiers were slain, official advices from Surigao disclosed today.

The advices also disclosed that, while 19 constabulary soldiers in all were killed, the original report that 13, including two officers, had lost their lives in this particular clash was correct, the six others having been slain in another encounter the preceding day.

Surigao, the post of the Philippine constabulary nearest the scene of the clash, was the headquarters of the constables, of whose patrol only four escaped after the second encounter. It is on the coast of Mindanao.

The patrol went to Bucas island, only a few miles distant, in a constabulary launch. No report of the first encounter has been received here beyond the bare fact that it occurred and that six constabules were killed, but a full account of the second arrived today.