

The Weather

Prediction	Rain
Maximum yesterday	52
Minimum today	41
Precipitation	25

MEDFORD MAIL TRIBUNE

Weather Year Ago

Maximum	50
Minimum	18.3

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

MEDFORD, OREGON, MONDAY, MARCH 3, 1924

NO. 293

TOOZE CASE SENT BACK TO G. JURY

Defect in Indictment Is Found After Hearing Starts—Court Refuses to Quash Same and Grand Jury Will Take Up Matter Later—Big Crowd Is Disappointed.

MEMPHISVILLE, Ore., March 3.—Because of a defect in the indictment charging Walter L. Tooze, Jr., chairman of the republican state central committee and J. W. Templin, McMinville garage owner, with "contributing to the delinquency of a minor by giving her intoxicating liquor," the case was referred back to the grand jury by Circuit Judge Robert Tucker today. The defect consisted in the omission of a charge that the girl involved was "an unmarried juvenile."

The courtroom was crowded when the hearing opened. District Attorney R. L. Conner arose as soon as court convened to declare: "An important matter has been left out of the indictment. This entire affair is born of venom and spite, and no matter how much time he was given, he couldn't get any more witnesses or any more evidence," said Bernard A. Kliks, McMinville attorney, who is defending Tooze and Templin. "The whole affair is a spite affair."

Here the judge interrupted and ordered Kliks to speak wholly upon the evidence.

State Senator W. G. Hare of Hillsboro, Kliks' associate, then demanded that the state lay all its cards on the table and tell what was wrong with the grand jury indictment.

"Yes, let him give his reasons," Kliks challenged.

Conner, in his reply, said he had not noticed the omission in the indictment until after court convened. Judge Tucker then examined the indictment and declared it defective.

Then Kliks, asserting that no demurrer or motion had been filed challenging the indictment, moved it be quashed. The judge, however, said he would hear arguments on both sides and a few minutes later ruled that because the indictment did not make clear that Ethel Mizer, the 16-year old girl involved, "was an unmarried juvenile," the case would be referred back to the grand jury. This ruling grew out of a supreme court hearing in the case of the estate versus M. Gates in which it was held that a minor may marry.

Judge Tucker announced that the grand jury legally is still in session, but District Attorney Conner said he had two criminal cases to be tried before he would summon the jury again to reconsider the Tooze-Templin case.

RECENT BUYER OF OREGON C. RANCH KILLS HIMSELF

OREGON CITY, Ore., Mar. 3.—The body of Charles S. Getman aged about 36, was found late Saturday on a farm near here, which he recently purchased. Coroner Pace reported today. B. F. Griffin, a neighbor, found the body and notified the coroner who said that it was a case of suicide. Getman had paid \$1100 in cash for the farm, which is two miles east of Adkins mill, and had deposited a substantial sum in a local bank. A large supply of provisions and implements was found on the place, having been purchased by Getman.

An identification card on the body said that in case of death or serious injury notification should be sent to E. S. Getman, Wabasso, Fla., or Mrs. E. W. Adams, 2424 Third avenue, Baker, Ore. A special United States army privilege pass, dated January 17, 1919, was also found on the body.

FARMERS BEWARE! SEC'Y AGRICULTURE WALLACE IS FEEDING ON BUFFALO MEAT

WASHINGTON, March 3.—Secretary Wallace has been feasting on buffalo meat, a rare delicacy in these days, but one which may become more common in time, since the extinction of the buffalo has been averted.

Heavy increase of these animals on the national bison range in Montana has enabled biological survey experts to experiment with long distance ship-

U. S. Supreme Court Upholds State Laws Of Pre-Volstead Era

WASHINGTON, March 3.—State laws prohibiting the possession of intoxicating liquors acquired before national prohibition, were sustained by the supreme court.

The court affirmed the conviction of Raymond Moore under the laws of Idaho for having in his possession intoxicating liquor. He asserted that the liquor was obtained prior to national prohibition and denied that the state could prohibit him from having what the federal laws permitted.

SENATOR REED CONFIDENT HE WILL BEAT 'MC'

Missouri Senator Replies to Charges by McAdoo That He Is Stalking Horse—Will Beat Any Man Connected With Oil Scandal.

KENNETT, Mo., March 3.—(By the Associated Press)—Replying to a charge by William Gibbs McAdoo that United States Senator James A. Reed was a "stalking horse" in his candidacy for the democratic presidential nomination, the senator declared in an open air address here today that he would stay in the race "to the last."

"I'll go into a national convention," the senator declared, "with many more delegates than anyone connected with the oil scandal. I am gaining in strength over the United States every day and I greatly hope to win the nomination."

Senator Reed asserted that Mr. McAdoo in his letter "had failed to deny a single charge I have made."

"Mr. McAdoo has not denied that he was attorney for E. L. Doheny for every minute he was robbing the country of oil land and bribing a cabinet officer."

ROSEBURG MAN TO BE RETURNED FOR TRIAL OF MURDER

SALEM, Ore., March 3.—Extradition was granted today by the office of Governor Walter M. Pierce on requisition of the governor of Alabama for George Meadows, to stand trial at Jasper, Walker county, Alabama, on an indictment charging murder in the first degree committed nineteen years ago. The alleged victim was Will Eaton, slain at a coal mine.

Meadows is now in custody at Roseburg, having been arrested at Reedsport as a result of information furnished to authorities in Alabama by his brother-in-law, W. D. Watts, who is accused of a statutory crime at Vancouver, Wash.

Meadows will be turned over to A. M. Solf, a deputy sheriff from Alabama. According to information received from Alabama, Lum Kelly, who was implicated in the killing of Eaton, was sentenced to the Alabama penitentiary for eighteen years.

Beavers Start Training.

STOCKTON, Cal., March 3.—The Portland Coast league club opened its 1924 training camp in Stockton this morning with 26 players on hand for the first workout under the direction of Manager Bill Kenworthy.

Scout Tom Turner and ten or twelve players are expected in camp by Wednesday, completing the roster, which will include fifty persons.

MAN SHOT BY PROH AGENT AT VERONIA

VERONIA, Ore., Mar. 3.—Frank Valente was shot through the hip and seriously wounded yesterday when J. S. Culbertson, city marshal and state prohibition agent, and Deputy Sheriff Leach, of Columbia county, went to his home, armed with a search warrant, to hunt for liquor.

MAN SHOT BY PROH AGENT AT VERONIA

Frank Valente, Farmer in Columbia County, Oregon, Is Near Death As Result of Dry Raid By State Prohi Agent Culbertson, Cleaver's Former Deputy.

According to statements made to the sheriff by other men who were in the house, Culbertson fired the shot which wounded Valente. At the hospital where he was taken it was said the wounded man's condition was serious.

SALEM, Ore., Mar. 3.—J. S. Culbertson, prohibition agent who is alleged to have shot Frank Valente in a raid at Veronia Saturday night, is not on the payroll of the state prohibition department, according to information from Governor Pierce's office today.

Culbertson was formerly deputy prohibition commissioner under Geo. L. Cleaver, but because of third degree methods he is said to have used, he is said to have been dismissed at the demand of Governor Pierce. He went to Columbia county and at the request of the district attorney there was issued a prohibition agent's star by the governor's office, but not replaced on the state payroll.

Upon complaints received from Columbia county, Governor Pierce recently wrote the district attorney there that Culbertson's prohibition star would be taken from him unless he ceased his rough tactics with suspects.

There is a distinction between a prohibition star and a state star, the governor's office said today. The prohibition star only gave Culbertson authority to co-operate with the Columbia county officers in enforcement of the prohibition law.

Decisions of U. S. Supreme Court

WASHINGTON, March 3.—The supreme court today declared that United States deposits in failed depositories are not entitled to preferential payments. The question was raised by the United States Fidelity and Guaranty company after failure of the Bank of Commerce of Okmulgee, Okla. The supreme court affirmed the decision of the lower court.

WASHINGTON, March 3.—The federal courts in the state of Washington had jurisdiction, the supreme court held today, to consider proceedings instituted by the United States to recover from C. J. Erickson and the United States Fidelity and Guaranty company for logs sold Erickson.

HOUSE TAX BILL MEANS BIG LOSS

WASHINGTON, March 3.—The tax bill as passed by the house will produce \$446,000,000 less revenue than the existing law, in the opinion of treasury authorities.

It would produce \$113,000,000 more the treasury figures indicate, than the Garner democratic plan.

The treasury surplus under the present rates, according to present estimates, will be only \$223,000,000, so that the house bill if finally enacted, would result in a deficit of \$123,000,000.

SOCIALIST GOVT. IN BELGIUM URGED

BRUSSELS, March 3.—(By the Associated Press)—The socialists of Belgium in conjunction with the Flemish party are trying to persuade King Albert to imitate Great Britain, and entrust the government to the socialists and the Flemish group. They have a complete cabinet ready to submit to the king.

The probability, however, is that the Thurns cabinet, which resigned last week, will be remodelled.

The liberals and the Catholic party are in agreement in opposing a socialist cabinet.

Jack Dempsey, with Wreath, Makes Pilgrimage to Wilson's Grave on Washington's Birthday



This photograph was made as the world's champion was going to place a wreath on Woodrow Wilson's grave in Bethlehem Chapel at Washington. With him was his manager, Jack Kearns. Dempsey was the first to thus pay tribute to the memory of the world war president on the anniversary of the birth of the nation's first president.

HIRAM JOHNSTON DOESN'T WANT TO BE PRESIDENT!

SAGINAW, Mich., March 3.—Hiram Johnston of Zilwaukee, Saginaw county, does not want to be a candidate for president of the United States, he so declared in a letter to Secretary of State Charles Dandridge in which he asks that his name be withdrawn as a candidate on the republican ticket to be voted in the Michigan presidential preference primary election April 7.

Johnston, an aged dirt farmer, was placed in nomination by petitions prepared by friends and neighbors. His name threatened to cause considerable confusion in the minds of voters because it is similar to that of Hiram W. Johnston, United States senator from California, an avowed candidate, who carried Michigan in the 1920 primary.

Johnston wrote that he has no ambition to participate in national politics and expressed embarrassment that his name should have been used.

There is some question whether the secretary is empowered to remove the Zilwaukee farmer's name, the time limit for withdrawals having expired Saturday. If Johnston's letter was in the mails before the expiration of the time limit, it is believed that fact will be considered in conformity with the law and permit withdrawal.

Casualties of the Air Service

LONDON, March 3.—Four airmen were killed and three others injured in two crashes at different airfields in England today. At Duxford, Cambridge, two airplanes approaching an airfield collided and crashed. - Sergeant Bont, the pilot, and Officer Peck were killed in one machine, and Lieutenant Albrecht and a passenger were seriously injured in the other.

At Biggin Hill an airplane got out of control and fell. Officer S. W. Smith and Sergeant Lister were killed and the mechanic was injured.

Daily Report on the Crime Wave

Chicago, March 3.—Three bandits apparently followed F. L. Miller, a collector for a motor fuel company over his route, and after he had collected between \$5,000 and \$6,000 from six of the company's filling stations, held up and robbed him of the money, he reported to the police.

King George Is Ill.

LONDON, March 3.—King George is confined to Buckingham palace suffering from a cold. On the advice of his physicians he has cancelled various important engagements he had made for the present week.

S. P. INSPECTOR AT ASHLAND IS KILLED BY TRAIN

ASHLAND, Ore., March 3.—(Special to the Mail Tribune.)—Albert Jensen, 33 years old, inspector of the Southern Pacific, in this city, was almost instantly killed yesterday when struck by train 14 as he crawled from beneath an engine he had been inspecting. The man's head and shoulders were frightfully crushed and he was rushed to the Granite City hospital at once, but only lived a short time.

Jensen several years ago married Ethel Campbell, daughter of Mr. and Mrs. L. J. Campbell of Medford, who died three years ago, and had been a trusted and highly respected employee of the Southern Pacific at Ashland where his parents, Mr. and Mrs. George Jensen now live. Deceased leaves two small children to mourn his loss, a little girl five years old named Leslye Ray and a boy four, Robert. He also leaves two sisters, Mrs. Grace Quigley of Hornbrook and Ruth Jensen of San Francisco, and one brother, Joseph Jensen, a civil engineer of San Francisco.

Funeral arrangements have not been fully announced, but the burial will take place at Little Shasta, near Yreka, where the Jensen family formerly lived and where the wife of the deceased was buried.

Oregon News in Brief

ASTORIA, Ore., March 3.—The body of a day-old baby boy, wrapped in a bath towel and tied in a shoebox which in turn was wrapped in a newspaper, was found at the foot of the cliff below Clatsop Crest about 26 miles east of Astoria on the Columbia river highway yesterday afternoon by Joseph J. Saul of Wauna, Ore.

According to Coroner E. H. Hughes the body had not been in the box more than three or four days. County authorities are investigating.

PORTLAND, Ore., March 3.—Mrs. Celia Lewis, aged 85, died at a hospital here last night as a result of a fractured skull she sustained when struck down by a truck while crossing a street Saturday.

SALEM, Ore., March 3.—W. H. Malone of Corvallis will be reappointed as a member of the state highway commission when his term expires on March 31, it was announced at the governor's office this morning.

PENDLETON, Ore., March 3.—Trial of the boys held in the county jail here in connection with robberies extending over a long period will be held before Judge Schanep of the county court, who cares for juvenile cases. The boys range in age from 13 to 18 years and are charged with the robbery of five stores, theft of numerous automobiles and bicycles and many smaller articles.

Ruth Rapidly Recovering.

HOT SPRINGS, Ark., March 3.—George Herman (Babe) Ruth will be out in a day or so, unless unexpected complications set in, his physician announced today. Ruth, who is ill with influenza, is rapidly recovering.

Prayers for Rain Answered; Heavy Downpour in Cal.

SAN FRANCISCO, March 3.—California, parched for weeks by an interrupted drought, reported today rainfalls which Saturday and yesterday brought relief to the entire central and southern part of the state.

Heaviest precipitation was reported from San Luis Obispo with 1.78 inches. Los Angeles was given .80 and San Francisco 1.20. Paso Robles, Santa Barbara, Ojai, Santa Monica and other points had more than an inch of fall. Additional rain was promised for today in the Imperial valley. Yesterday all churches in Southern California held prayers for rain.

DAUGHERTY TO SEND MESSAGE TO PRESIDENT

Washington Excited Over the Statement By Atty. General That He Will Send Important Wire to President Coolidge Late Today.

WASHINGTON, Mar. 3.—White House officials said today they had no notion of the contents of the telegram Attorney General Daugherty is sending to President Coolidge.

MIAMI, Fla., Mar. 3.—Attorney General Harry M. Daugherty will send a message to President Coolidge late this afternoon "which may be considered important," he said, at the Nautilus hotel here today. He refused to divulge the nature of the communication.

"I have made no official statement since I left Chicago," said Mr. Daugherty. "I don't want now to be quoted as making any statement. My position is not one of defense and I don't want to appear in the light of one defending himself. I ask no quarter."

MIAMI, Fla., Mar. 3.—Attorney General Harry M. Daugherty arrived in Miami yesterday and went to the hotel at Miami Beach where his invalid wife whom he left here a month ago, is staying. He breakfasted with her and then later went to another hotel where he obtained a room, being unable to find accommodations at his wife's hotel.

Mr. Daugherty's joviality seems to have deserted him and he refused to make any statement to newspapermen giving orders at his hotel that no one was to see him. His secretary, Miss E. M. Carroll, said Mr. Daugherty had come on an indefinite stay with his wife and insisted on seclusion.

Death Toll of the Automobile

WALLA WALLA, Wash., March 3.—Miss Lillian Stevenson, assistant principal of the Riverdale school near Pendleton, who was injured in an automobile accident near Milton Saturday, died of her injuries in a local hospital Sunday night. She had suffered concussion of the brain and an operation had been performed in an effort to save her life. The other members of the party who were injured are recovering.

MEXICO CITY, March 3.—Francisco Arias Cortes, a priest, yesterday shot and killed his brother, Salvador, in Concepcion church at Guadalajara, when the latter, during a violent attack of insanity, attempted to kill the priest with a knife. After the shooting the priest fled and remains hidden.

The only eye witness of the tragedy declares that the priest vainly tried to subdue his brother and fired one shot as a warning, but this only increased the ferocity of the demented man's attack.

SULTAN'S HAREM PREPARES FOR FLIGHT AS RESULT OF ATTACK ON CALIPHATE

CONSTANTINOPLE, March 3.—All the members of the caliph's harem are expected to sail for Alexandria on March 15 in consequence of the movement for the abolition of the caliphate. Prince Orchan, grandson of the late Sultan Abdul Hamid and a student at Robert college is on the list of those to be expelled.

LONDON, March 3.—In view of

WIFE, COCO COLA KING, ACQUITTED

Charge Against Mrs. Asa Candler Dismissed When Gentleman Friend Assumes Responsibility for 'Bottle'—Action Brought By Husband—Divorce Suit Is Expected.

ATLANTA, Ga., March 3.—The case against Mrs. Asa G. Candler and G. W. Wheeling was dismissed and W. J. Stoddard was bound over for another trial under bond of \$300 here today when they were given a hearing in police court on charge of having been in a place where intoxicants were being drunk.

The original charge against Stoddard was also dismissed, but he was bound over on a new charge of violating the state prohibition law when he assumed responsibility for the partly filled bottle of liquor found by the police on a table when Mrs. Candler and the two men were arrested. Chief James L. Beavers testified that he raided an apartment at 48 Juniper street on the afternoon of February 9, upon a complaint from Asa G. Candler, Sr., the aged millionaire husband of the young woman. There he found Mrs. Candler and the two men seated around a table on which sat a bottle partly filled with whiskey, he testified.

Mrs. Candler, before her marriage to the soft drink millionaire last June, was Mrs. Mary Little Ragan, a public stenographer in the Candler building here. She and her two young daughters, by a former marriage, are reported to have been living with her mother since her arrest. A divorce suit is expected.

DAUGHERTY CASE WON'T COME UP UNTIL NEXT WEEK

WASHINGTON, March 3.—The senate committee to investigate the administration of Attorney General Daugherty probably will hear no witnesses until next week, Chairman Brookhart said late today.

WASHINGTON, March 3.—Cipher experts of the war department who have been translating code messages found in the McLean telegrams will be called first tomorrow when the senate oil committee resumes its public hearings.

Senator Walsh, democrat, Montana, chief prosecutor in the inquiry, said today translations of the telegrams by the government experts did not differ materially from the paraphrase furnished the committee last week and arrived at by the use of an old code of the department of Justice.

William J. Burns, chief of the department's bureau of investigation, will be questioned by the committee tomorrow as to how employees of E. B. McLean, newspaper publisher, came into possession of this code and whether McLean is on the roll of the special agents of the bureau at a salary of \$1 a month. Burns also will be asked about the "Mary" code message, sent to one of McLean's confidential men at Palm Beach, in which reference was made to Burns and the "McLean investigation."

Mrs. Mary Duckstein, former private secretary to Burns and now an operative in the justice department, who sent the "Mary" telegram to her husband, W. O. Duckstein, probably will follow Burns on the stand.

McLean may be called before the committee before the end of the week. He returned from Florida early last month in response to a summons, but unlike other persons, under subpoena, he has not been required to make daily appearance at the hearings.

ANGORA'S CAMPAIGN AGAINST THE CALIPHATE, IT IS SIGNIFICANT THAT THE TURKISH GOVERNMENT HAS ISSUED A WARNING TO INTENDING TURKISH PILGRIMS TO THE HOLY PLACES IN ARABIA THIS YEAR TO STAY AWAY, SAYS THE DAILY TELEGRAPH.

The Turkish government says that Turks now at the holy places are being unlawfully detained and maltreated by authorities of the Aedjaz and that the lives of pilgrims would be endangered.