dr. v territor riberestor.

OREGON, FRIDAY, JANUARY 2, 1925

NO. 241

# LIQUOR HELD **ILLEGALLY**

State Supreme Court Hands Down Important Decision in Liquor Case-If Search Is Illegal, Liquor Can't Be Used As Evidence-Opinion Upheld, 4 to 3.

SALEM, Ore., Jan. 2 .- Search of the person of an individual suspected of having intoxicating liquor in his possession by peace officers, except where such officers are duly armed with a search warrant or where the subject of the search is legally under arrest before the search is made, is illegal and the evidence secured in such a search is not admissable in a trial at

Such is the decision of the Oregon supreme court, handed down in the appeal of F. A. McDaniel from the circuit court for Benton county this morning. The decision was written by Justice Pipes and is concurred in the property of the propert by Justice Bean, Rund and Brown, with Justice Coshaw writing the dis-senting opinon with the concurrence of Justices Burnett and McBride.

The decision is the first passed down

The decision is the first passed down by the court on the legality of liquor searches without warrants.

The case involved the forcible search of McDaniel by officers who testified at his trial that they smelled liquor on his breath; that his overcoat was buttoned awry; and that his face was flushed, and also concerning the admissibility of the testimony of the officers and a chemist derived from an examination of the whiskey seized in the filegal search. Testimony developed the fact that McDaniel was seized by one officer while another searched him. Following his arrest and prior to his trial McDaniel filed application for the return of the liquor, alcation for the return of the liquor, al-leging it to have been illegally selzed. In the justice court the petition was denied, but it was granted by the cir-cuit court which held the search ille-

"An officer has the authority to search the person of a man when he holds a search warrant issued to him by a magistrate \* \* \* or he may search a man who is in his custody by virtue of a legal arrest to answer come critisinal charge mending or in some criminal charge pending or in contemplation," says the majority opinion of the court. The Coshow dissent holds that the

manner of making the arrest is for-eign to the issue involved in the trial and that the only and sole issue is the guilt or innocence of the defend-ant. The opinion is believed to set a precedent in the supreme court rel-ative to the search of a person.

### LABOR BANK OPENS PORTLAND, OREGON Miller, Ashlan ninth, Rober grade, medal.

PORTLAND, Ore., Jan. 2.—Portland is to have a Brotherhood Co-operative National bank, which is to operative National bank, which is to open here tomorrow with an initial capital and surplus of \$250,000. The Portland band will be the fifteenth financial institution in the United States established by the Railroad brotherhoods. Although adhering to the policies of the brotherhood of locomotive engineers Co-operative National bank of Cleveland, of which a separate organization under its own national charter.

It will be a member of the federal George O. Barnhard, a retired railroad engineer, is president.

Bilzzard in Washington. WASHINGTON, Jan. 2.—Washington for the most part walked to work features were explained to them they today with trolley traffic badly cripled by a fall of snow. Except for ment to the plan and assured their full means. Pennsylvania avenue from the peace assistance and co-operation. Material monument to the treasury, street railway traffic was most intermittent and for the contest was then secured and distributed through the schools to all hundreds of government employes it was a case of walk or stay at home.

Better Looking As
They Masticate Less Men Are Becoming Better Looking As

LONDON, Jan. 2 .- Conditions 4 of modern civilization are making + men more handsome, according + + to Sir Arthur Keith of the Royal + College of Surgeons. Diminished  $\div$  use of the jaws is causing changes  $\div$  in the bony framework of the  $\div$ 

 ♦ human face, he says.
 ♦ Men use their jaws less in § chewing England's famous old ↑.
 roast beef, he says, even if they ↑ use them more in conversation 
 than their reputedly tacturn an-

## PRIZE AWARDS MADE IN LOCAL

bor where she had been visiting.
On being precipitated in the flooded creek, a distance of over two miles from the Rogue river, it seems that her body was swept on to the river, where it was discovered about 100 yards below the mouth of Sardine creek yesterday forenoon.

Searching parties had been out looking for the missing girl since Tuesday. The body was discovered by S. A. and R. W. Dusenbury, members of a searching party. Dorotha Florey of Medford, and in Jackson Co.

The list of local prize winners in the "Better Home Lighting" contest was made public today by the committee who had charge of this contest mittee who had charge of this contest in the Jackson county schools. First prize among the girl contestants was of Alderbrook school, and was a favorite with all her fellow pupils and won by a Medford girl, Miss Dorotha Florey of the Medford high school, daughter of Dr. and Mrs. E. G. Riddell of this city, and first prize among the boys was won by Barnard Joy of Ashland, son of A. C. Joy, president of the Jackson conty farm bureau.

There were 18 prizes in all, nine being awarded to boys and nine to girls, a complete list of the prize winners being given below:

Girls-First, Dorotha Florey, Medford high, \$50; second, Margaret Elizabeth Creason, Hawthorne, \$20; third, Lelia Livelle Chastain, Lincoln \$12.50; fourth, Thelma Valdez Jones Griffen Creek, \$7.50; fifth, Helen Dugan, St. Mary's Academy, \$5.00; sixth, Fay Harbaugh, Lincoln, medal seventh, Fern Harbaugh, Lincoln, medal; eighth, Catherine Coyle, St. Mary's Academy, medal; ninth, Amelia Radovan, St. Mary's Academy, medal.

Boys-First, Barnard Joy, Ashland high, \$50; second, Robert Reid Hammond, Medford high, \$20; third, Newman Billings, Lincoln, \$12.50; fourth, Fred MacDonald, Lincoln, \$7.50; fifth, Raymond Pederson, Jackson, \$5; sixth Darell Huson, Medford high, medal seventh, Douglas B. A. Finch, Ashland Junior high, medal; eighth, James

A brief history of the "Better Home momentarily expected word from Cap Lighting" contest is as follows: This tain James Staples, the ship's master, program, being exceeded only by contest was fostered by the electrical to take to the lifeboats.

It is to take to the lifeboats. Some of the radiocasting during the last presidential campaign.

The fire is believed to have started to the lifeboats of the last presidential campaign. contest was fostered by the electrical to take to the lifeboats.
industry throughout the United States | Five tugs were standi industry throughout the United States and Canada, under the direction of the Society for Electrical Development, with the indorsement of the school authorities and the Eyesight Conservation Council of America. The work spread to the after-slade. Later message was revation Council of America, The work spread to the after-slade. Later messages gave assurances, however, that of carrying on the contest in the Jacks of the after-slade. Later message was related at though the Metropolitan opera house, where Miss of one of the stars, reported a sold-out house with Maria Jeritza in Feodora.

Only a handful of the biggest theaster of the work probably will be done by contract.

Medford Mail Tribune, Medford; A. B. Junningham, Peoples Electric Store. Medford; H. L. Walther, The Callfornia Oregon Power company, Med-

The first step was to secure the co operation of the school officials in

(Continued on page two)

## FOSTER FATHER OF MILLIONAIRE BOY EXONERATED BY CORONER'S REPORT

CHICAGO, Jan. 2 .- The coroner's chemist has found that William N. McClintock, known as the "Million-aire orphan," died of typhoid fever, Coroner Oscar Wolff announced to-

The findings corroborated that of the pathologist employed by William would take prompt legal action D. Shepherd, foster-father of the against the persons he considers reyoung man, who was left the bulk of sponsible for the investigation and young man, who was left the bulk of the \$1,500,000 estate by young Mc-Clintock's will.

"We consider the coroner's statement a complete exoneration of Mr. Shepherd," his law partner. Raiph Stoll said when informed of the coroner's announcement.

Mr. Shepherd has declared he which he declared had been directed

line Briggs, Sardine Creek School Girl, 10 Years Old, Missing Since Monday, Drowned in Swollen Waters of Creek-Body Carried to Rogue River.

As was feared when her disappearance was discovered after a 24 hours' absence line Briggs, the 10 years old daughter of Mrs. Rose M. Briggs of Sardine Creek, met a tragic death by drowning last Monday afternoon while crossing a log over the swotten waters of Sardine creek enroute for her own home from that of a neigh-her where she had been visiting.

bers of a searching party.
Widespread sympathy is felt for
the grieved mother and other mem-bers of the family. Besides the mother, Hene Briggs is survived by May, a sister, and two brothers, George R. and Lester L. The unfortunate girl was 10 years, three months and 24

the neighbors of the family.

The funeral services will be held at the Rock Point cemetery on Sunday at 10 a. m., with Principal A. J. Hanby of Washington school, this city officiating. The funeral arrangements are in charge of the Perl Funeral

## AFIRE, BEACHED DELAW'E COAST

essage to the Philadelphia navy yard stated that the passengers of the Mohawk had been taken off the steamer and were landed at Lewes, Del., to continue to their destinations

LEWES, Del., Jan. 2.—The Clyde Junior high, medal; eighth, James liner Mohawk, with 200 passengers from 6,000,000 to 8,000,000.

Miller, Ashland Junior high, medal; aboard, was after off Brandywine light linth, Robert Lewis, Jacksonville grade, medal.

A brief history of the "Better Home"

LEWES, Del., Jan. 2.—The Ciyde the east to an addrence estimated \$1,000,000 to 8,000,000.

It was the first time that internationally famous artists have brondeast in Delaware bay, near here, today, in this country. It is generally agreed that has night's audience was the large for dentrance and Anna Spring.

Another \$1,500,000 is expected by

from taking off the passengers.

### Wall Street Report

NEW YORK, Jan. 2.-Wall street ushered in the new year on the New York stock exchange by staging a tions in special stocks, a score of a whole to concerted activities which were boosted 3 to 12 points on total sales that promised to run close

vas the outstanding feature, soaring 121/4 points to a record high at 77.

#### Daily Report on the Crime Wave

Yank, Divorced, Then Widowered, Marries Overseas Sweetheart



Charles Scott, Providence, R. I., druggist, met Madge Ellis, pretty young English girl, while serving overseas in the World War. His regiment was sent to Russia. When he returned to this country after the armistice, he married a Providence girl. Their romance soon ended in the divorce court. He married again. The second Mrs. Scott died. Now he has gone to the altar a third time, with Madge Ellis. "Last love it best love—that's why I don't mind being my husband's third wife," says Madge.

# RADIO MENACE

mack and Lucrezia Bori to 8,000,000 People Empty N. Y. Theatres-Meeting Called January 26.

NEW YORK, Jan. 2-Radiocasting history was made last night when John McCormack, tenor, and Lucrezia Bori prima donna of the Metropolitan Opera company, sang into the micro-phone of station WEAF, which was linked up with seven other stations in phone of station WEAF, which was Interest to an audience estimated from 6,009,000 to 8,000,000.

by the following committee:

The Mohawk was on her way from trical successes of the season faced. New York to Jacksonville, Fla., but capacity houses, while many established by a 40-mile-an-hour gale, she lished successes played to rows of Electric Store, Medford; S. S. Smith, was compelled to put into Delaware

was compelled to put into Delaware bay last night.

An earlier message to the Clyde "Radio constitutes the greatest menace that the theater ever faced," the fierce gale which swept down on the ship in a driving storm, prevented three boats, intent on rescue work, from taking off the passengers.

William A. Bradley, producer, declared last night, adding that the theretain the boats, intent on rescue work, danger stood in need of unity of action under a "exar" comparable to Will Hays of the motion picture in-dustry or to Judge Landis of the base ball associations.

ball associations.
Frank Gillmore, speaking for the
Actors, Equity association of which
he is executive secretary, declared that radio is "a terrible menace to the actor." An open meeting of Equity has been called for January 26, Mr. series of violent bullish demonstra- Gillmore said, to arouse the theater i a whole to concerted action agains

## otal sales that promised to run close of 2,000,000 shares. Radio Corporation common stock RID M'COY ASKS FOR NEW TRIAL

LOS ANGELES, Jan. 2.-Kid Mc Coy, prize ring idol of days gone by, today came up for sentence following CHICAGO, Jan. 2.—Four robbers his recent conviction of manslaughter held up and robbed an American Rail-in connection with the killing of Mrs. way Express company employe of \$18. Theresa Mors here last August and, the soldier's Bonus. WASHINGTON, Jan. 2.—The treasury took the first step toward financing the soldier's bonus, investigation today, according to make a motion station today, according to make a motion of the soldier's Bonus.

# THEATRE WORLD TO PAVE PARK AROUSED OVER ROAD FROM GATE

Lake Park By Park Service -Work to Start This Year -\$115,000 More Expected From Congressional Bills.

Improvement of the roads within Crater Lake National park is now definitely assured for this coming sen-

in congress, to which known opposition. This there is no

The type of road is to be a dust-

less hard surface, the socalled bithu-minous macadam, somewhat on the order of the short stretch of experimental road just south of Government camp. Present plans call for a 16 foot width of road bed, with bad curvatures eliminated. This road work is a portion of the

three year program authorized last session by Congress. Completion of the entire project will see Crater Lake's road system in fine shape, including the reconstruction of the Diamond lake road on new grades. This good news was brought Field Assistant Horace Albright of the Park Service, in his recent trip down

### Death Toll of the Automobile

DELPHOS, Ohio, Jan. 2,—Four men were killed at a grade crossing here last night when their suttomobile was struck by a train. Three identi-fied are: Cleve Harpster, 38; "Spider" Jenkins, 50; Henry Fuerst, 27. The fourth man is believed to be Ellhu Dray, 50.

was in recent convertion of manuagner was in recent convertion of manuagner was in recent convertion of manuagner and properly today took the first step toward financing the soldiers' bonus, invest-through his attorneys, made a motion of the station today, according to police reports.

In their potition the heirs state that financing the soldiers' bonus, invest-through his attorneys, made a motion in special treasury securities at four per cent to meet the for a new trial. Arguments on the motion will be heard a week hence.

In their potition the heirs state that the value of the estate is unknown to Phillip L. Jackson, his son, and \$1000. C. S. Jackson, a grandson, and the first call on the government funds motion will be heard a week hence.

January J. 1930.

4 Dead As Result New Year's Joy In New York City of New Year's Joy

\* dead, a score hart and more than \* a bundred patched up in local \* hospitals made up the tell of \* New Year's celebrations in New \* York, a cheek of police records \* revealed today. Two deaths were \* traced to poison iquor, two to \* street brawls. ♦ street brawls.
 ♦ The lineup of those arrested ♦

# NEW SOLUTION

Year Moratorium for France,
Provided She Pays England
Whatever She Pays United

Whatever She Pays United

The postal service, the discharge of an employe of the senate host office committee.

All six of the officials, located in as many cities throughout the country, are members of the executive committee of the National Association of Postal Supervisors and held some of Great Britain Agrees to 10 States.

When shown a story published in ondon, to the effect that Great Bri-tin had assured the United States he would not stand in the way of a anco-American settlement on terms inore lenient than the Anglo-American agreement, high officinls of the state depertment authorized the statement that no such assurance had reached Washington either officially or unofficially. At the same time the failure of the British foreign office to deay that such a suggestion might be deep that such a suggestion might be re lement than the Anglo-Amerieny that such a suggestion might be eithcoming was noted with great in-Broadcasting By John McCor- \$68,000 Allotted to Crater kept entirely confidential, but officials evidently have been ials evidently have hoped for some development to clear the air early in

he new year. A moratorium for France, which the London Morning Post indicates would be acceptable to Great Britain coupled with an arrangement for pay-ment which would take into account the special handicaps that beset French finances, might greatly ad-vance the move toward a settlement between the United States and the government at Paris.

There never has been any indication here that the American govern-ment hoped to be the sole beneficiary from any payments made by France. though officials here have studiously avoided any public discussion of the British informal suggestion that Great Britain and the United States take share and share alike in such

payments.
Coming on top of the British advices the announcement the announcement in France "negotiations" actually are in This is the first time France has

publicly conceded that the negotia-tions which have been going forward for some months amounted to "nego-tiations," a term which in diplomacy is applied only to formal exchanges designed to accomplish definite results.

If France is willing to regard her conversations with the United States as formal negotiations, that fact alone is regarded as indicating a long step toward bringing the whole question into the open.

Another thing, such a concession

would seem to put an end to any apprehension that French officials might be moving toward a repudla-tion of the debt. Once the discussions have taken on a character of such formality, it is pointed out, it would be impossible for the French govern-ment hereafter to take the position that the debts should not be paid at

LONDON, Jan. 2 .- (By Associated Press.) "Here is a rare chance of ettling once for all the problem that (Continued on page three)

Six Veteran Officials of Postal Service Suspended, Employe of Senate Postal Comfittee Discharged, House Clerk Resigns As Result of Using Money in Campaign.

WASHINGTON, Jan. 2 -- Official nvestigation into the use of money to influence pending postal pay legislation has culminated in the suspension from duty of six veteran officials of

Postal Supervisors and held some of the most responsible positions in the service.

WASHINGTON, Jan. 2—(By Associated Press.) Officials here apparently see hopeful tendencies in the New Year dispatches from Great Britain regarding war debts, although they have received thus far no communication indicating the willingness of the British government to approve specifically indulgent terms for France.

The suspended officials whose service averaged more than twenty years, are: Peter McGurty, acting superintendent of mails, New York City; James M. Greig, postal cashier, Boston; Peter Wiggle, acting postmaster, Springfield, Ohio; J. J. Fleids, superintendent of mails, Louisville, and William Sansom, assistant superintendent of delivery, Chicago.

ville, and William Sansom, assistant superintendent of delivery, Chicago. The report of postal inspectors, made public in a statement last night by Postmaster General New, charged that E. H. McDermot, the discharged assistant clerk of the senate commit-tee, received \$2600 to work for the interests of the supervisors'

The inspectors' report which gave a circumstantial story of the negotia-tions between McDermont and postal officials resulting in the money pay-ment, was based on an investigation undertaken after the department of justice had found that technically no law had been violated in the transactions. The facts in connection with the justice department's investigation were revealed for the first time in the

## SLIM CHANCE OF CALIFORNIA GAME WITH NOTRE DAME

LOS ANGELES Jan. 2 .- Alumni of University of California and Notre Dame today set on foot a movement to have the Golden Bears meet Knute Rockne's football players in the Los progress for a Franco-American set-tlement was accepted as helping still Rockne says the only argument to the condihas against the proposal is the condition of his team which was "badly battered" in the New Year's day clash with Stanford at Pasadena.

> PASADENA, Cal., Jan. 2.—Harry Stuhldreher, all-American quarter-back of the Notre Dame squad, was in the Pasadena hospital today with a cast over his left ankle in which a bone was cracked during the Stanford Notre Dame game here yesterday.

BERKELEY, Cal., Jan. 2.-Luther Nichols, graduate manager of the Uni-versity of California, said today he has a number of reasons why the California football team should not meet the Notre Dame squad January 10, but if the reasons were waived he would insist that the game be played in ahe California memorial stadium here.

Denver Elks Club Burned. DENVER, Colo., Jan. 2 .- Fire early today destroyed the Elks club build-ing on Main street in Trinidad, Colo., with a loss that will exceed \$300,000 according to a special to the Denver

## C. S. JACKSON'S WILL LEAVES \$1,000 TO SON; BULK OF ESTATE TO MRS. JACKSON

PORTLAND, Ore., Jan. 2.—Maria L. Jackson as an executor of the C. Jackson, widow of the late C. S. estate, shall be paid \$5000 for her ser-Jackson, is made sole heir to the bulk of the entate under the terms of the the The will was made September 29, will filed today by attorneys and ad-

mitted to probate by Circuit Judge and David H. Smith.