

ESPEE DENIES IT WARS UPON HILL LINE IN KLAMATH

SAN FRANCISCO, June 1.—(By Associated Press.) Replying to published reports that the Southern Pacific company is contesting the Hill interests in the construction of the Hill line in northern California and southern Oregon, President William Spruille of the Southern Pacific said today: "The Southern Pacific is not at war with anyone but is attending strictly to its own business. It is true we are building a line through Klamath Falls known as the Natron cut-off, on which 52 of the 108 miles have been completed and 20 miles have been graded. About \$10,000,000 has been spent thus far. This will give us two lines from Weed to Eugene and puts Klamath Falls on a main line.

5 IN. SNOW CRATER LAKE SATURDAY

ROSEBURG, Ore., June 1.—E. A. Britton, Douglas county Boy Scout executive, of Roseburg, and Ray Simms, George Mason, Roy Schroeder, Frank Yoder and Edwin White of Eugene, returned last night from Crater Lake, claiming to be the second parties to reach the rim this year. They drove to a point within eight miles of the lake, Saturday, and then went in on foot. Mr. Britton traveling across country while the others followed the road. Five inches of snow fell at the lake during Saturday, they report. They skirted back to Government Camp, where they spent the night, five feet of snow being reported there. It will be possible to reach Anna Springs by automobile next Sunday, they state.

DEAD STATESMAN AN EPIGRAMIST

INDIANAPOLIS, June 1.—Thomas R. Marshall, Indiana's former governor and the nation's vice president, was full of epigrams, many of which have been widely quoted. In nearly every speech he made was at least one odd observation on current events. Some of these sayings follow: "The only difference between this generation and my generation is that they have different ways of making fools of themselves."

BASEBALL SCORES

Table with baseball scores for National and American leagues. Columns include team names and scores. National: A Brooklyn 3, R. H. E. 1; New York 1, R. H. E. 1; Brooklyn 1, R. H. E. 1; Barnes and Snyder; Grimes, Hubbell and Taylor. American: ST. LOUIS, June 1.—(A. P.)—Rogers Hornsby, St. Louis Cardinals' playing manager, poled out his thirtieth home run of the season off Leaque in the fourth inning of today's game with the Cincinnati Reds. No one was on base.

EXPECT JURY IN SHEPHERD MURDER CASE THIS WEEK

CHICAGO, June 1.—(By Associated Press.) Reports that Robert White, missing witness in the murder trial of William Darling Shepherd, might be in Pittsburgh, Pa., interested officials here as the third week of jury selection opened. With four jurors chosen and indications that the skirishing of the last two weeks is over, both prosecution and defense said it was probable the full quota would be obtained before the end of the week. Dispatches from Pittsburgh said that a search was in progress there for White, following word from Chicago authorities that friends of the missing witness had telegraphed \$117 to him last Friday.

State's Attorney Crowe said that because he expected to have the jury before the end of the week he was making an extraordinary effort to locate White. With White on hand, Mr. Crowe said that his entire case would be ready for presentation to the jury. Counsel for Shepherd, who agreed that a full jury was near last week, expressed a willingness to take several vermines without questioning when they were offered by the state. Inquiry into other cases conducted by Shepherd's attorney started by the state's attorney following reports of alleged jury tampering in the Shepherd case was continued with the questioning of a juror in a former trial.

SEC. WEEKS TAKES TURN FOR WORSE

BOSTON, June 1.—Secretary of War John W. Weeks, who was operated upon for gallstones at the Massachusetts General hospital last week, passed a restless night, his physicians announced today and his general condition was described as "not so good." A bulletin said: "Secretary Weeks' general condition is not so good this morning. He had a restless night. Pulse 90; temperature normal."

From the time of the operation last Thursday, Secretary Weeks had been convalescing favorably until yesterday when the physicians admitted that his condition was not entirely satisfactory, though there was said to be nothing alarming in his symptoms.

THOMAS R. MARSHALL DIES

WASHINGTON, June 1.—In educational and religious circles keener and wider interest was shown in the attack upon the constitutionality of the Oregon public school law than in any other controversy which reached the supreme court in recent years. Like most states, Oregon has a compulsory education law which requires children to attend school, and prescribes the course of study. The right to enforce such regulations has not been seriously questioned in the courts. But in 1922 the voters of Oregon, 115,506 to 103,685, went a step further and enacted a law under which children between the ages of 8 and 15, with some exceptions, would be required to attend "public" schools.

INDIANAPOLIS, June 1.—(A. P.)—News of the death of Thomas R. Marshall at Washington came as a shock to his home state. His many friends in all political parties had hoped his recent illness would be overcome.

Mr. Marshall, following his retirement as vice president in March, 1921, had maintained a home here although he had practiced law here in a very casual way, accepting only a few cases and declining to become involved in any that would prove unduly burdensome. Since leaving the vice presidency he has been almost inactive in politics. His only public appearances have been on the speaking platform, where he continued until the last to expound his quaint philosophies.

OREGON SCHOOL LAW INVALID

PORTLAND, Ore., June 1.—The supreme court decision in the Oregon compulsory school law ends three years of fight. The bill went before the voters in November, 1922, with the support of the Ku Klux Klan, together with the Ku Klux Klan. The compulsory education bill, as it was first known, was introduced as an initiative measure. George B. Cellars and P. S. Malcolm, officers here of the Scottish Rite lodge and Judge Wallace McCannan, attorney representing the lodge, refrained from commenting on the decision.

Mr. Marshall was born in North Manchester, Wabash county, Indiana, March 14, 1854, the only son of Dr. Daniel M. and Martha A. Patterson Marshall. He attended the public schools and his mother had dreams of his becoming a famous preacher, but the trial of a circuit rider in those days did not appeal to him and after being graduated from Wash college at Crawfordsville, Indiana, at nineteen years, he read law and was admitted to the bar at Columbia City, Indiana, upon his twenty-first birthday. The story of his life from then on until he was elected governor of Indiana, which opened the way for him to become a national figure, is a plain narrative, his entire time being devoted to the practice of law.

Shortly after taking up law, Mr. Marshall was nominated for prosecuting attorney in a republican stronghold, but defeated. His next political venture did not come until early in 1908, when friends suggested he become a candidate for congress from the Twelfth Indian district. He declined, however, explaining he was afraid he might be elected. When it was suggested that he seek the democratic gubernatorial nomination at thirteen years, he read law and was admitted to the bar at Columbia City, Indiana, upon his twenty-first birthday. The story of his life from then on until he was elected governor of Indiana, which opened the way for him to become a national figure, is a plain narrative, his entire time being devoted to the practice of law.

During four years as governor, his administration was characterized especially by the enactment of legislation looking to the moral and physical welfare of the state's unfortunates. One policy inaugurated by him was that of never allowing a child to be born in prison or to die behind the bars if there was a home to which they could go. Mr. Marshall was nominated for the vice presidency in Baltimore in 1912, after his name had been before the convention for a number of ballots as a presidential candidate with the Indiana delegation solidly behind him. He was again renominated with President Wilson at St. Louis in 1916. Mr. Marshall prided himself on the fact that he had always been "just a plain every day average American citizen," democratic and unconvincing, and to his neighbors in Columbia City was always affectionately referred to as "Tom."

He married on Oct. 2, 1895, Miss Lois I. Kinsey of Angora, Ind. Because of his deep love for his mother he did not marry until she died. The same devotion always existed between him and Mrs. Marshall who always accompanied him on campaign or lecture trips. With the exception of never missing an opportunity to see a baseball game, Mr. Marshall was not an enthusiast over outdoor sports. As for hobbies, he had just one, and that was Clarence Ignatius Morrison, his first adopted son. In 1914, Mrs. Marshall in 1917 was directing a diet kitchen in Washington maintained for the poor children, she was attracted to a sickly little year old waif. When they went to their summer home in Michigan that summer, Clarence Ignatius accompanied them. With the mother's consent, the child upon their return was permanently made a member of their household although no steps for its legal adoption were then taken. In order that the child's mother might be near the baby boy, Mr. Marshall secured employment for her at their hotel.

Possessed with a wealth of human sympathy for his fellow men, Mr. Marshall had a quaint and subtle sense of humor, which the pall of senatorial dignity failed to dampen. Many times the humor was expressed at the expense of some senator. Mr. Marshall was a good story teller and nothing delighted him more as vice president than to steal out of the senate chamber into his private office, smoke a pipe and entertain friends by reciting instances of his experiences as a country lawyer. Mr. Marshall was an omnivorous reader, but as he once expressed to a friend "not at all a thoughtful reader." He had a penchant for detective or mystery stories and frequently sat up all night to complete the reading of a tale. He also was a Bible student and often times while serving as vice president, could be seen sitting in his office reading from a little vest pocket testament which he always carried. Of moderate financial circumstances, he was always interested in an educational, church and charitable work.

"There are so many views as to what constitutes true success, I have no suggestions to offer," he once wrote to a friend in reply to an inquiry. "My views of success are not generally accepted. I think any man is successful who is content to do well with regard to the rights of others in the particular thing God fits him to do." Mr. Marshall was a Presbyterian, an active thirty-third degree Mason, as well as a member of the Phi Gamma Delta and Phi Beta Kappa fraternities. He also held the honorary degree of LL. D. from several colleges and universities.

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"We felt confident that the law was unconstitutional and invaded some of the most sacred rights. "Not only will this decision determine finally the power of the state with regard to education, but it will declare the extent of the power of the state to regulate other useful occupations. "There has been a constant effort in many directions to encroach upon personal rights but this new definition of the liberty and property clauses of the fourteenth amendment will remove many of these questions from the realm of controversy. "It is a great decision and of nation wide importance. "Apparently more interest was manifested in this controversy in the east than in the west. In the populous centers, private schools of all denominations and classes are much more numerous than in Oregon. "Certainly there is nothing in the present record to indicate that they have failed to discharge their obligations to patrons, students or the state," the court continued. "And there are no peculiar circumstances or present emergencies which demand extraordinary measures relative to primary education. "We think it entirely plain that the act of 1922 unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children under their control. "As often heretofore pointed out, rights guaranteed by the constitution which have no reasonable relation to some purpose within the competency of the state. "The fundamental theory of liberty upon which all governments in this union repose, excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only. "The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to rear him and prepare him for additional obligations."

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WASHINGTON, June 1.—In educational and religious circles keener and wider interest was shown in the attack upon the constitutionality of the Oregon public school law than in any other controversy which reached the supreme court in recent years. Like most states, Oregon has a compulsory education law which requires children to attend school, and prescribes the course of study. The right to enforce such regulations has not been seriously questioned in the courts. But in 1922 the voters of Oregon, 115,506 to 103,685, went a step further and enacted a law under which children between the ages of 8 and 15, with some exceptions, would be required to attend "public" schools.

The law was due to the activity of the Ku Klux Klan. Suits were promptly brought in the federal district court by the Society of the Sisters of the Holy Names of Jesus and Mary, conducting parochial schools, and by the Hill Military academy, a private school. Enforcement of the law was restrained and the state appealed to the supreme court. Joined in opposition to the new law eventually were a number of religious organizations, Jewish as well as Christian, and many educational institutions, colleges and universities, as well as private and parochial schools. The broad contention was that should states be permitted to monopolize the education of children up to the grammar grades, the next step would be taking over of education in the higher grades.

The new Oregon law proposed that all children between 8 and 15, physically able and living within a reasonable distance, should attend public schools, unless educated at home by private tutors under state supervision. In the lower federal court the question of property rights was controlling in the decision of the constitutional questions presented. The private and parochial schools contended with success that the state law under which they had been incorporated constituted a contract, which must be respected and could not be broken; that under the contract they had acquired property rights through the erection of schools which could not be confiscated or seriously impaired without violating the federal constitution; that teachers in such institutions had employment rights which must be protected; and that it was an inherent right of parents and guardians, guaranteed by the federal constitution, to decide where their children should be educated, subject to the right of the state to require them to be sent to a public school provided they were not adequately educated elsewhere. Alleging a purpose to promote pa-

triotism by large public school expenditures, the state contended that with an increase of facilities attendance in the primary grades should be increased as proposed in the new law. The state asserted that it was its duty to teach children their true allegiance and to impress upon young minds that the claims of the government were superior to those of any religion. The authority to require children to attend school embraced the right, the state insisted, to compel them to go to public schools. Education, important in building up good citizenry, came within the police powers of the states, under their general welfare jurisdiction, Oregon further asserted, insisting that in such matters the federal government had no right to interfere. It was for the state courts and the people at the polls to remedy any defects which might develop, it said, and not for the federal courts, because local conditions must always control in such matters. Insisting that "some vestige of sovereign power" should be held invalid, a movement would be started at once for a constitutional amendment. Summarized, Oregon's argument was that the national government was founded upon the theory that church and state should be maintained separate, a principle to be closely guarded in the education of its youth; that the right of a state to control a minor when public welfare required had been thoroughly established in the courts and included control over their education; that private and parochial schools are not superior to public schools, therefore the new law would not deprive them of any rights or privileges or subject them to any disadvantages; that the opposition came from those who wanted children given sectarian religious instruction; that the fight involved the survival of the public schools; that it had been consistently held in the courts that state could at their pleasure amend or cancel such charters without encountering any constitutional prohibition; that the new law would not interfere with religious liberty; that those who desired to send their children to parochial private schools could do so during hours when their attendance at the public school was not required; that children in public schools would be excused under the new law a certain number of hours each week for such religious instructions as their parents or guardians might desire; and that the religious views of some parents could not be permitted to destroy the effectiveness of a salient law.

The Protestant Episcopal church, the Seventh Day Adventists and the American Jewish Committee each filed a brief as friend of the court in support of the position taken by the parochial and private schools. Opponents of the new law declared it a serious menace. They attributed the weakening of the moral fiber of the time to the lack of religious and moral training, particularly in children, declaring that unless present tendencies were restrained, conditions here would be worse than those in Soviet Russia. Oregon's idea of separation of church and state would mean, they declared, no church but only state, because if schools could be prohibited from teaching religion and morality, all religious instruction would be brought within the control of the state. The parochial schools took the view also that the most effective religious training could be accomplished as a part of the daily education of children. They denounced the new law as not only extremely unwise, but arbitrary, revolutionary, oppressive, and violative of rights which since the foundation of the government have been considered essential to liberty. Furthermore, the opponents of the new law stated as a fact that no private or parochial school in the state had been deficient or delinquent in any respect. "But even if the only objection or prejudicial subjects of unparochial schools, that they were inferior in any respect to public schools the remedy was not in legislation which would destroy them, but in acts to regulate them; that the new law would not result in broadening the educational field or in correcting evils, or in promoting the general welfare of the people. They denounced as without foundation the charge made by friends of the new law that the increase in crime among children was due to private schools, and that such schools were conducted by bolsheviks, communists and syndicalists. Never before had a state, they declared, attempted to prohibit a distinctly useful business, whose beneficial effects had never been questioned. If private schools could be prohibited, they said finally, any lawful business in which the people might be engaged, could be destroyed at the will of the state.

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