

Table with weather forecast: Prediction Fair, Maximum yesterday 74, Minimum today 45.

OREGON LOSES \$800,000 PAVING SUIT

WARREN CO. WINS LONG FOUGHT CASE

Federal Judge Bean Decides Against State Highway Commission in Action for Damages and Infringement of Patent—Clarke-Henry Co. Involved As Defendant.

PORTLAND, Ore., June 15.—Federal Judge Robert S. Bean decided today against the state highway commission in the suit of the Warren Brothers company against Glen E. Kibbe, and others, for damages including royalties, for alleged infringement of patent. About \$800,000 is involved in the case, including a claim against the highway commission for \$250,000 for royalty of 25 cents a yard on about 1,000,000 yards of pavement, and for triple damages and interest.

The litigation was the outgrowth of the acts of the highway commission under a law passed by the legislature in 1919, in awarding road work to ten different contractors, using materials which the attorney general had ruled did not infringe the Warren patent.

The law authorized the commission to enter into contracts for laying pavement with provision that the state would indemnify the contractors for any damages sustained in case of successful suit for patent infringement by Warren Brothers or others.

This law also provided that those contractors should not pay royalties on the various types of pavement the attorney general had pronounced not protected by a valid patent, but that the state would indemnify them against suits for infringement of patents.

After this law had gone into effect the highway commission let work to ten different contractors for some 1,000,000 square yards of pavement. All of these contracts called for a type of pavement which the Warren Brothers company declared came within the specifications of its patents.

In 1922 this company sued Oscar Huber, one of the ten successful bidders for road paving for infringement of patent. Attorney General Van Winkle defended the contractor on the ground that the patent was not valid.

Judge Bean then decided that the patent of Warren Brothers company was valid and upheld the verdict of the United States court of appeals at San Francisco. This last decision was given early in 1925. In the meantime Huber died at his home in this city.

When it was held that the patent was valid, the company at once brought damage suits against the other nine contractors and their bonds as well as against the state highway commission.

It again the state took up the battle. It moved to have the suit dismissed because the highway commission is a part of the state and under the amendment to the federal constitution no state can be sued against its will. But Judge Bean held that the state highway commission is not the state and that it may be sued. He also declared that the 1919 law gave permission to sue the state in the matter of road paving contracts and therefore the constitutional grounds for dismissal would not stand.

Another angle to the suit is that the defendants other than Kibbe objected to being joined in the same suit, demanding that each be sued under a separate action at law.

Judge Bean ruled that the facts and questions of law are the same in each case, and that they could be tried together without injury to any defendant. He said the law gave the right to federal courts of equity to prevent multiplicity of cases and that he would overrule the motion for separate trials.

(Continued on Page Eight)

National Guard Boy at West Point Is Awarded High Honor

SALEM, Ore., June 15.—Carl W. Holcomb of Salem was one of the graduates from the United States military academy at West Point on June 12, ranking 47 in a class of 244 graduates. He received 2489 points, the highest in the class being 2706.

He was graduated from Salem high school in February, 1919, entered the Oregon national guard and was appointed to West Point in 1921.

MEXICO'S REPLY TO KELLOGG IS BELLICOSE ONE

President Calles Declares U. S. Pronouncement a Threat and Impertinence—No Nation Has Right to Interfere With Mexican Affairs.

WASHINGTON, June 15.—Secretary Kellogg's statement of last Friday concerning conditions in Mexico, has drawn an equally plain worded reply from President Calles who regards as an insult the implication that Mexico is on trial before the world in the guise of a defendant.

President Calles' answer, issued through the Mexican embassy here yesterday declared Mr. Kellogg's pronouncement embodied a "threat" to the sovereignty of Mexico and he deemed it "a duty for my country to rectify such statements as required by truth and justice."

Secretary Kellogg had declared the administration would support the present Mexican regime "only so long as it protects American lives and American rights and American companies."

It is believed here that the discussion which has been conducted through the press will rest for a time at least, until President Calles decides to continue it through diplomatic channels.

Secretary Kellogg is not expected to add to his own statement.

Officials here who knew of the reports which formed the basis of Mr. Kellogg's statement, were surprised at President Calles' interpretation of it as a threat and an insult. The wording of the secretary's pronouncement, in their opinion, was both cautious and moderate.

Mexico, President Calles said, in his reply "does not accord to any foreign country the right to interfere in her domestic affairs, nor is she disposed to subordinate her internal relations to the exigencies of another country."

The president expressed regret that Mr. Kellogg made mention of reports of impending revolution in Mexico, but it "tends to cast some alarm in the world," regarding conditions there.

Mr. Kellogg's statement was based on much information placed before him by his aides, some of it alleging that property owned by Americans in Mexico had been seized by so-called agrarians without due legal process. The labor situation in Mexico and that government's suspension of service on her debt contracted with bankers of this and other countries also have caused Washington officials some anxiety.

No Reply at Present. WASHINGTON, June 15.—(A. P.)—Washington officials gave no indication today that a public reply would be made to President Calles' statement.

(Continued on Page Eight)

L. A. DENTIST ADMITS HE KILLED WIFE

Woman Who Disappeared Last February, Was Killed By Husband Who Carried On Correspondence to Keep Crime Secret—Deceased Was Widow of Olive King.

LOS ANGELES, June 15.—(A. P.)—An inquest into the death of Grace Grogan Young, widow of the late millionaire olive producer, Patrick Grogan, was set for this afternoon at Hollywood, with Dr. Thomas Young, dentist, whose confession of slaying her by liquid gas was announced Saturday night by the district attorney, as the principal witness.

Dr. Young was confined incommunicado during the night in the Beverly Hills jail, not far from the Beverly Glen canyon cabin of the Youngs, in which, in a basement cistern, cemented over, the body of the woman was recovered after midnight Saturday. Jailers said today that the dentist was calm and composed and continued to discuss freely the death of his wife.

New evidence was being gathered today to combat the "murder complex" motive suggested by the dentist in his confession. Assistant District Attorney Harold Davis said. He declared evidence to combat an insanity defense plea is being accumulated and it was expected to show a "wealth complex," probably involving conspiracy to obtain the million dollar Grogan estate.

LOS ANGELES, June 15.—Convicted they have perfected a chain of evidence to prove that Dr. Thomas Young, Los Angeles dentist, killed his wife, Grace Grogan Young, widow of the late Patrick Grogan, known during his life time as "the olive king," independent of Young's confession, representatives of the district attorney's office concerned themselves today with establishing a motive.

The first object of their search was a will which they had been informed Charles Patrick Grogan, 18 year old son of the slain woman, had made in favor of Young within the past fortnight, at the request of Young. Young Grogan, who was the principal heir to his father's estate, had continued to live with his stepfather up to the moment he learned the father had confessed to killing the mother and conspiring to have the son unwittingly aid in sealing the body up in a cistern.

Young has insisted he killed his wife by administering an anesthetic because of disagreement over the fact that she insisted on "being the boss" in their home and that she had slapped him in the face during a quarrel in a cafe.

What investigators regarded as the last step in their chain of evidence connecting Young with the killing was the finding yesterday near the scene of the killing of a rubber comb which Young said he used in administering the anesthetic.

The possibility that Young had an accomplice to aid him in concealing the slaying and supporting his story that Mrs. Young had voluntarily disappeared after a quarrel on the night of February 21 last was also under consideration by the investigators. According to relatives of Mrs. Young, the son continued to receive letters which he believed to be from his mother up to within the past few days.

The officers are trying to learn who mailed them in the east.

NEW YORK, June 15.—(A. P.)—Dr. Thomas W. Young of Los Angeles, who has confessed that he slew his wife, tried to keep up the masquerade that she had vanished unaccountably by writing letters of inquiry to her friends, Mrs. Sigurd Nathan of Brooklyn disclosed today.

Mrs. Nathan, friend of Mrs. Young, exhibited two letters purporting to come from Dr. Young since his wife disappeared. The letters made inquiry into his wife's whereabouts.

Dr. Young even addressed two typewritten letters to his wife in care of Mrs. Nathan. Patrick Grogan, the slain woman's son, also wrote his mother in care of Mrs. Nathan.

Young's first letter, received in March, Mrs. Nathan stated, referred to "Grace, as a wonderful wife, and a devoted mother to Patrick."

This letter said that Mrs. Young had disappeared on the night they had dispersed out to the Biltmore.

(Continued on Page Eight)

Prettiest Washington "Deb"



Miss Lenore Scullin is considered the prettiest of the girls announced as a debutante of next season in the national capital. She is the daughter of Mrs. Lee Warren.

MISS POPE TELLS WORK OPPOSED OF OPPOSITION TO CHILD LABOR RESTRICTIONS

Girl Engaged to Billy McClintock, Who Spent Winter in Grants Pass Tells Simple Story of Her Romance—Shepherd Wins Point.

CHICAGO, June 15.—(A. P.) Miss Isabelle Pope, "Billy" McClintock's childhood sweetheart, who waited with a marriage license while he died of typhoid fever, took the witness stand in the Shepherd murder trial today. As outlined in advance by the state, which charges William Darling Shepherd induced the fatal disease by administering germs, Miss Pope was to deal with the Shepherd's opposition to her marriage with the youth who recently had come into possession of his \$1,000,000, and how they successfully restrained it until Billy succeeded in the coma preceding death, which prevented the ceremony.

The young woman, who recently arrived here from Grants Pass, Oregon, spoke in a clear distinct tone and seemed remarkably self possessed. She was questioned by Assistant State Attorney Joseph Savage.

Her testimony sped smoothly thru her childhood acquaintance with Billy McClintock, the love into which it ripened and their engagement. When she sought to explain what caused friction with the Shepherds her testimony was broken by successful objections by the defense and Miss Pope was forced to eliminate anything which concerned Mrs. Shepherd.

CHICAGO, June 15.—(A. P.) One of the witnesses depended upon by the state to identify William Darling Shepherd as having displayed interest in bacteriology and introduction of typhoid germs into a human body prior to the death of William Nelson McClintock, for which Shepherd is on trial for murder, wavered in his identification today.

Dr. Amante Rognetti gazed upon the witness.

(Continued on Page Eight)

Wanted 100 Cars at Once. If the National Guard boys are to be taken to Crater Lake, a committee must have 100 more automobiles at once. This was the announcement made today by Seely Hall, leader of the car drive. To date no cars have been pledged by Ashland, so it looks as though Medford must do the job if it is done.

(Continued on Page Eight)

Attempt to Break Jail at Yreka, Cal., With a Tea Spoon

YREKA, Cal., June 15.—Four prisoners at the county jail here attempted to escape yesterday by cutting their way through the brick wall of the jail. Using a spoon and a flatiron, they had removed several bricks from the inside facing of the wall when Deputy Sheriff Sam McGoffey came upon them.

J. KRUTTSCHNITT DIES SUDDENLY IN N. YORK CITY

Former Directing Head of S. P. and One of America's Best Known Railroad Men Victim of Heart Attack Following Minor Operation.

NEW YORK, June 15.—Julius Kruttschnitt, former chairman of the board and directing head of the Southern Pacific company, died today.

Mr. Kruttschnitt died at three o'clock this morning. He was taken to the hospital three weeks ago for a minor operation and apparently was recovering when an unexpected heart attack set in, causing his death.

Funeral arrangements had not been made, but his former railroad associates said that he probably would be buried at New Orleans, his old home.

Mr. Kruttschnitt's retirement May 21, last, closed a career covering more than 48 years in a service of America's carriers, which culminated in his assuming the supervision of the Southern Pacific as the heir of the Harriman tradition in railroad management.

His ending of active management was in deference to the road's rule that its executives should give up the reins when they reached the age of three score and ten and was not due to any apparent lessening of his personal qualifications. The first indication of impaired health came three weeks ago when it was learned he had sustained the heart attack, which proved fatal today.

Under the Kruttschnitt directorship, the Southern Pacific grew in 12 years from a road of 16,000 miles with annual earnings of \$143,000,000 to 16,000 miles and earnings of more than \$300,000,000, placing it third in the list of national carriers. He was reported to be one of a group of half a dozen executives whose annual salaries exceeded \$100,000.

Born in New Orleans, July 30, 1854, the future commander in chief of the Harriman lines graduated from Washington and Lee university nineteen years later with the degree of civil engineer. After five years as a school teacher, he entered the services of the Louisiana and Texas railroad, now a part of the Southern Pacific, as a resident engineer. He attracted the attention of E. H. Harriman in 1900 when that railroad Napoleon had obtained control of the Southern Pacific. In 1904 his jurisdiction was widened to control operation of the Union Pacific and further extensions of Kruttschnitt control were recorded in railroad annals from time to time until the death of the elder Harriman. In addition to his commanding position in the transportation field, Mr. Kruttschnitt was a director and member of the executive committee of the Western Union Telegraph company and of the Harriman National bank and U. S. Mortgage and Trust company.

Secretary Work declared that "not long ago education was looked upon as an insurance against the vicissitudes of life," but "now university presidents consult each other to discover reasons for the failure of the educated."

Admittance to colleges and universities should be more exacting, Secretary Work said, adding "colleges should no longer be a possible refuge for the indolent or the temporary retreat for a defective, but they should be known as advanced schools for the new aristocracy of mind and morals to which intellect and industry are prerequisites for admission."

"College neither makes nor mends boys, it only speeds them on the way they have already started," he said, but warning the graduates that "preparation for life's responsibilities is not made at four o'clock teas, jazz parties at night or restricted social congregation of the immature."

Speaking of the proposed child labor amendment to the constitution, Secretary Work said, "the alarming organizations of youthful criminals are not being recruited from working boys nor do working girls become a prey to sex reactions. Federal activity should not be concerned with domestic relations but confine itself to the administration of the country's business."

Touching on the evolution theory, Secretary Work said: "Evolution of man may well be thought as a theory, not necessarily in antagonism to the theory which accepts the evolution of the spirit leading to a higher life, nor in refutation of the teaching of the Bible, prescribed in many schools."

FRISCO HAS WORST FIRE IN 20 YEARS

Fireman Killed and Over \$3-000,000 Damage Sustained in Fire Which Destroys Stock Yard Area—Thousands of Cattle Turned Loose Roam About City.

SAN FRANCISCO, June 15.—Two fires, among the worst that have been experienced since the city was partially destroyed by flames in 1906, last night claimed the life of Lieutenant J. C. Herlihy of the fire department and caused damage approximated at a total of \$3,000,000.

The larger of the two fires swept away the wholesale butcher plants of the Miller and Lux company and J. G. Johnson and partially destroyed the wholesale butcher plant of Henry Levy company in the Double block bounded by Third, Fifth, Arthur and Evans streets in the Bayview district, in what is known as the Old Slaughter House district south of the industrial areas of the city.

Thousands of cattle brought here for slaughter from many points in the west were turned loose as the fire raged and the police and gangs from the destroyed abattoirs were preparing for an old-fashioned roundup today as soon as temporary pens can be thrown together.

The fire is supposed to have started from a leaky oil feed under a boiler in the Miller and Lux plant. Lieutenant Herlihy lost his life in the confectionery plant of B. & G. Brothers on Clay street near the commission market district when he was trapped in a basement after two other firemen had been removed unconscious from the structure. Herlihy and his companions in the basement had been overcome by smoke.

The damage to the Miller and Lux plant alone was estimated at \$2,000,000 while the Johnson plant loss was estimated at \$500,000. The loss to the Levy company was estimated at \$100,000.

BASEBALL SCORES

Table with National baseball scores: At Pittsburgh, R. H. E. 6 7 1; At New York, R. H. E. 7 12 1; At Philadelphia, R. H. E. 7 12 1; Scott, Greenfield and Snyder; Morrison, Adams and Smith, Gooch.

Table with Chicago baseball scores: At Chicago, R. H. E. 5 8 3; Boston, R. H. E. 4 3 3; Chicago, R. H. E. 8 12 1; Genewich, Harquard and O'Neill; Jones and Marquett.

Table with Cincinnati baseball scores: At Cincinnati, R. H. E. 2 6 2; Brooklyn, R. H. E. 5 8 0; Cincinnati, R. H. E. 5 8 0; Ehrhardt, Ombros and Taylor; Donohue and Whingo.

Table with American baseball scores: At Boston, R. H. E. 5 12 2; Chicago, R. H. E. 13 15 1; Boston, R. H. E. 13 15 1; Cvoengros, Thurston, Mack and Schalk, Crouse, Ruffing and Heving.

Table with Philadelphia baseball scores: At Philadelphia, R. H. E. 15 24 0; Cleveland, R. H. E. 15 24 0; Philadelphia, R. H. E. 15 24 0; Miller, Speer, Yowell, Uble and Myatt; Rommel, Baumgartner, Helmach, Stokes, Glass, Walberg and Perkins, Berry, Cochrane.

Chas. W. Phelps and Fritz Schwan of Weed, Calif., autoed to Medford yesterday and spent Sunday visiting with A. P. Stennett.

CHINESE STUDENTS DEMAND WAR DECLARATION AGAINST GREAT BRITAIN

PEKING, June 15.—Chinese students, merchants, shop keepers and workmen in the largest demonstration made here during the present troubles today went to the foreign office and demanded that the Chinese government sever relations with Great Britain and instruct the Chinese government to take possession of Hankow forcibly to take possession of the British concession there.

Reports reaching here say a tornado struck Princeton, Mo., early today, unroofing a number of houses and demolishing one brick business building. All communication lines with the town are out of order.

IOWA AGAIN SWEEP BY TORNADO LEAVING PATH OF RUIN AND DEATH

DES MOINES, Iowa, June 15.—(A. P.) Virtually every section of Iowa was visited last night by severe electrical and wind storms and torrential rain. A survey of the affected territory today revealed that large areas of crops had been washed out or inundated, scores of bridges were carried away by high streams and railroad tracks were washed out in numerous instances, causing serious interruption to traffic.

MANCHESTER, Iowa, June 15.—(A. P.) Property damage estimated at \$100,000, complete isolation of this town and cessation of business and loss of at least one life, was the toll of the cloudburst and subsequent flood from the Maquoketa river in this vicinity late Sunday.

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