

DRY DECISION SUPREME COURT IMPORTANT ONE

SALEM, Ore., July 2.—The main difference between the opinions written by former Justice M. L. Pipes of the Oregon supreme court and his successor, Justice H. H. Belt, in the liquor case of the state against F. A. McDaniel is that the Pipes opinion emphasized the search and seizure phase while the Belt opinion minimizes it. By the Pipes opinion, handed down January 2 last, the court reversed the lower court for Benton county where McDaniel was convicted of having liquor in his possession. By the Belt opinion, which followed a rehearing of the case, the supreme court reversed itself and upholds the lower court.

The Pipes opinion held that for an officer to search a man without a search warrant, merely as an incident of an arrest for some crime, the man searched must at the time be legally a prisoner of the officer. This opinion held while an officer may make an arrest for a crime committed in his presence, he may not, without search warrant previous to the arrest, search the person for instrumentalities of the crime, though having probable cause to believe the person has them. The Pipes opinion held that a search without a search warrant, to be legal, must follow and not precede the arrest and that mere restraint for purposes of the search is not an arrest.

Another point was drunkenness in a public place, though the presence of officers does not authorize them without arrest or a search warrant to search the prisoner for liquor. It is held that where an officer without search warrant plied a person's arms, without statement as to arrest, searched him and after finding liquor on him informed him that he would arrest him for having liquor in his possession, the arrest followed the search, the search was illegal and the evidence illegally obtained.

An opposite view is taken by the Belt opinion in these words: "It is argued that arrest followed and did not precede the search. In our opinion it is immaterial whether the arrest preceded or followed the search if such acts were practically simultaneous, and if, in fact the defendant was guilty of committing a crime in the presence of officers for which he might have been arrested. In many instances it is dangerous for an officer to go through the formality of stating that the accused is under arrest, and the law does not require him to do so. It is oftentimes safer to act first and talk afterward."

The Belt opinion says further that "In the instant case the defendant was legally arrested and searched and the evidence of his crime was admissible to establish his guilt, and the court erred in holding the search and seizure unlawful, but since the ruling favored the defendant he is in no position to complain."

Another point of difference in the opinion is this: "The Pipes opinion holds that the fact that a deputy sheriff 'smelled whisky on the defendant's breath; that his overcoat was buttoned awry; that his face was flushed;' was no evidence that the man had liquor in his possession. 'They (the officers) were willing to arrest the defendant to answer for the crime of having liquor in his possession when they could produce no direct evidence to support it,' says the opinion."

On the other hand, the Belt opinion holds that the officers, from personal knowledge gained through their senses had the right to draw the reasonable inference that the defendant had intoxicating liquor in his possession and that he was attempting to drive an automobile while in a drunken condition.

The Belt opinion holds that without doubt he was committing a crime in the presence of the officers for which they had legal right to make arrest without a warrant, and the right of search followed as an incident thereto.

FRANCE READY TO OPEN DEBT TALK

PARIS, July 2.—(A. P.)—It is understood that the French government is soon to inform the United States of its desire to open negotiations in Washington for settlement of the French debt.

Instructions to this effect may be sent by Foreign Minister Briand shortly to M. Darschner, the French ambassador in Washington.

Anxious consideration is being given at the foreign office and ministry of finance as to what can specifically be proposed or accepted.

The advisers to the foreign minister do not appear to have reached their conclusions as yet, but it is recognized that both the American and British debts must be arranged as part of the French government's program to stabilize the country's finances this autumn.

Cotton Drops \$4 a Bale.

NEW YORK, July 2.—(A. P.)—Cotton prices broke \$2.50 to \$6 a bale today on publication of the government report. The figures were much larger than expected and precipitated heavy general selling. October broke to 23.25 cents a pound and December to 23.35.

NEW ORLEANS, July 2.—(A. P.)—October cotton broke 102 points, or approximately \$5 a bale today on receipt of the census bureau's condition and acreage report, which proved much larger than traders had expected.

The essence of a fruitful medical practice is convalescence.

FEDERAL SURPLUS REACHES BIG SUM, CHECK UP ORDERED

WASHINGTON, July 2.—With final figures in hand showing a \$250,000,000 surplus for the fiscal year ended Tuesday, treasury attention was turned today to a revision of estimates of receipts for the year now beginning. Orders to review all of the figures in detail were issued by Under Secretary Winston.

The re-vamping of calculations was made necessary by the fact that practically all items of receipt for the past year exceeded expectations. Much of the excess thus resulting came in receipts from taxes paid in March and June and furnishes what is regarded as definite indication of the trend to be developed in the fiscal year now started.

Income tax receipts, amounting to \$1,769,000,000 were \$109,000,000 greater than had been estimated. The belief prevails at the treasury that receipts from this source in the coming fiscal year are likely therefore to go above \$1,710,000,000 which was the figure calculated when the last budget was sent to congress. Customs revenue and miscellaneous tax receipts also were unusually high and officials are convinced the surplus when the current year ends next June, will be materially higher than the previous estimate of \$299,000,000. It is on this surplus that tax reduction must be based.

The close of the fiscal year found a surplus of \$250,502,238.33 after expenditure of \$3,259,446.69 of the ordinary receipts, which totalled \$3,780,148,684.42.

The surplus, nearly four times the amount forecast last October, is not available for tax reduction purposes this year, having been used to lower the public debt. Secretary Mellon's statement of the treasury's condition said that only the annual surplus expected in future years could be used as the margin available for tax reduction.

Treasury officials offered no explanation for the increase in surplus over earlier estimates, but others believed improved business conditions, together with lowering of surtaxes last year, were largely responsible. Use of the surplus and funds from other prescribed sources reduced the public debt \$743,619,105.53 to a total of \$29,516,193,887.50.

Plans of the treasury for a more effective enforcement of the prohibition law were described in Mr. Mellon's statement as rapidly nearing completion. He reviewed efforts to keep smuggled liquor out of the country by means of treaties with various foreign countries and use of the coast guard to blockade rum roff, and these measures, together with the recently ordered reorganization of enforcement on land, he believes will enable the treasury to make the Volstead law more effective.

U. S. A. TEACHERS CONSIDER ACTION IN MONKEY CASE

DAYTON, Tenn., July 2.—(A. P.)—The town of Dayton was agog today over a published charge of "publicity seeking," and its repudiation in connection with the trial of John T. Scopes, teacher, to test the Tennessee anti-evolution law. Dr. George W. Rappleyea, original prosecutor of Scopes, declared to the Associated Press that a published report which said that he had instigated the evolution charges for publicity purposes was without foundation of truth.

"While I originated the case and served at first as prosecutor in the matter, I did it with no ulterior motive," Dr. Rappleyea said. "My only object in the matter was to bring about a test of the evolution law."

The report, which is refuted by Dr. Rappleyea, was not handled by the Associated Press.

Action today by the American Federation of Teachers, on a resolution denouncing the Tennessee law was a matter of concern here. This document is quoted as saying in part: "In certain parts of the United States, teaching as a constructive social function has been menaced and may be menaced again by misguided legislative authority which fears to trust the devotion to duty to teachers whose desire it is to serve the people by training children for intelligent citizenship."

"The Lusk reactionary school laws in the state of New York abolished in 1923, after a trial of two years, the Green law of California, proposed in 1921, and dealing with the matter of controlling the opinion of teachers, as well as numerous bills in several states that have been designed to censor the writing and the teaching of history in schools—all reflect the same unfortunate misapprehension and mistrust of educational intelligence which the Tennessee anti-evolution law conveys."

Debt Must Not Broken Off.

ROME, July 2.—(A. P.)—At a cabinet meeting today Premier Mussolini denied that debt negotiations with the United States have been broken off. He said conferences will continue "in the present, or in some other form."

The old roller towel.

The grimy, roll towel.

The boarding house towel.

That hung on the wall.

Loeb-Leopold Judge Gives Child Grandmother Pleads for to Dancer



Can a cabaret singer and dancer be a good "mother?" Judge John R. Caverly, who presided in the Loeb-Leopold trial in Chicago, thought so, and awarded custody of Catherine McCuller, 13, to Florence Whitman, shown above. Catherine's mother, dyed, asked that Miss Whitman adopt the girl as her own. Catherine's grandmother, Mrs. E. B. Gray, Quanah, Texas, sought to take the child from the dancer.

HOT WEATHER IN OREGON BENEFIT TO STATE CROPS

PORTLAND, Ore., July 2.—(A. P.)—In general the hot weather of last week had a beneficial effect on ripening crops, the weekly report issued today by the local weather bureau of the United States department of agriculture says.

During the forepart of the week ending June 30, precipitation in Oregon was limited to local showers while previous records for heat were broken in many localities.

The bureau's report says the high temperature was particularly favorable to corn which began to make rapid growth, and caused rapid ripening of winter grain and of early spring grain in the milder localities. Winter grain was probably not materially injured by the heat but spring grain in some localities suffered considerable damage.

Much spring grain would be materially benefited by rain. Harvest of winter wheat and barley is in progress in the milder sections. Fruit: Strawberries became scarce in market as a result of the extreme heat. Raspberries and leganberries are ripening rapidly.

Cherries are being marketed. Apples are sitting well, but were injured by heat in some localities. Some early peaches are in market in southern counties.

Meadows, pastures and ranges: Hay making progressed rapidly under favorable conditions. Some second crop alfalfa has been cut in Umatilla county and the first cutting has been begun in Deschutes county. Pastures and ranges are drying rapidly but are generally furnishing sufficient feed.

Livestock: Stock is generally doing well, though there are a few complaints of decreasing milk production. Some grass fed beef is in market.

Miscellaneous: New potatoes are plentiful in market. Planting of late potatoes continues. Gardens generally need rain. Hops have been laid by in some localities. Flux is rather short. There is short delay in the planting of broccoli.

This is a day of individualism—including the individual drinking cup, towel, toothbrush and hairbrush.

Tonight!
For Dessert,
Have
Jell-Well
Easy to make—
quick—cool—dainty,
—and Good!

Circle 10 of and
mail for FREE
Recipe folder.
Include on Jell-
Well in the
Red-Girl!

**ALWAYS
Jell-Well**

SEES BENEFIT TO UNITED STATES IN IMMIGRATION LAW

NEW YORK, July 2.—(A. P.)—A most desirable effect of Uncle Sam's new immigration has been its gift to the people of the opportunity to get acquainted. Commissioner Henry H. Curran said today when asked to sum up the results of one year's operation of the immigration law of 1924.

At 12:01 a. m. occurred the second birthday of that statute with its radically restrictive quota provisions and other features new in the history of American effort to control the great flow of immigration.

The quietness in the executive wing of the immigration headquarters in Ellis Island typified the situation throughout the broadflung buildings. The landing stage was empty and a scant half score anxious relatives held seats where formerly surged stifling crowds.

"The fruits of this national breathing spell might not be immediately apparent to the casual observer," the commissioner said, "but they already are being seen by those closely in touch with the problem and the harvest will accumulate steadily."

A marked improvement in quality of immigrants was the chief effect noted by Mr. Curran in the flow through Ellis Island, which handles half of the 1,000 a day admittances authorized under the existing quota. "Not only are the individuals of a higher type, but they are generally younger than in the old open-door days and therefore, of great assimilability and larger economic value to the country."

Mr. Curran said the present net quota of 300,000 should be ample for a period of years while the business of "becoming acquainted" was in progress throughout the nation.

A visitor making a return trip to Ellis Island today after a lapse of several years would have difficulty in recognizing it as the principal receiving point for alien disembarkations. The long corridors between the screened stalls were practically empty and in the visiting "pens" only a small group indicated the business of examining applicants for admission still was in progress.

In contrast with the past daily average of several thousands of temporarily detained, there were about 200 on the books of the bureau and long rows of cots were empty in the white corridor of marine hospital.

Special Edition Ashland Tidings Honor New Hotel

The Ashland Tidings of July 1 contains 12 pages, describing the new eight-story Lithia Springs hotel, which was dedicated last night. It is a very creditable edition and not only contains full description of the hotel and splendid pictures of the same, but several columns of advertising by the merchants, professional men and citizens of Ashland in the way of a welcome to the new enterprise.

CANTON, July 2.—(A. P.)—A new government for southern China was formed here yesterday by the forces which recently captured Canton.

The new civil governor, Wu Han-Min, is known for his bolshevik proclivities, as is Lien Chang-Hoi, minister of finance in the new regime. Yen Sung-Chi was named minister of war and Sun Fo was appointed to the ministry of communications. The civil governor will do double duty as secretary of foreign affairs.

All foreign consuls here, excepting the British and French, were invited to a reception held by the new government.

The British have not yet presented demands expected to be made against the Chinese administration here. It was reported that demands made by the French government were returned unanswered by the Chinese officials.

A parade, for which arrangements were made by Chinese yesterday, was called off.

There is a general feeling here that further trouble will occur.

**The End Is Near
FORD TOURING CARS**
We have three in good condition for \$75.00 each.
Mason Motor Co.

FORD SEDAN
New rubber, self starter, mechanically perfect, for \$295.00
Mason Motor Co.

BUICK TOURING
New paint, A-1 rubber, good condition, \$450.00.
Mason Motor Co.

Mason Motor Co.



Try this recipe from the Frye Meat Guide and prove for yourself that Frye "Delicious" BETTER CURING does mean better flavor.

Broiled Bacon With Codfish Cream

8 thin slices Frye's Delicious Bacon
1/2 lb. boneless salt codfish chunks
2 cups milk 2 eggs
2 level tablespoons flour
1 teaspoon minced parsley or onion tops
Shred codfish, cover with cold water, heat slowly to boiling point, drain, cover with cold water again, and simmer 20 minutes. Fry bacon till delicate brown. Stir flour into bacon drippings, add milk, beating until smooth. Pour back in skillet, heat again until egg barely "sets," then pour into hot serving dish and garnish with bacon and slices of sweet, raw onion sprinkled with paprika.

DELICIOUS BRAND
hams bacon
"Everything The Name Implies" 25-118

Once just a Summer necessity—Now unsurpassed for all-year cooking!

THE modern oil-cookstove, with its wonderfully efficient speed-burners, perfected ovens and broilers, heat control, simplicity of parts, etc., gives you city cookstove service anywhere, and the year-round! No mussy fires to tend—noiseless, simple, safe!

But remember there's a big difference in kerosene and that the efficiency of your oil-cookstove depends very largely on the kerosene you use.

"Pearl Oil" means the "best" oil for oil cookstoves and heaters. It is refined and re-refined—that's why it's cleaner-burning, delivers flame that's all best and why it won't corrode the metal parts of your equipment. Enjoy your oil cookstove to the utmost—be sure you order "Pearl Oil" by name!

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Make regular deposits here and you will have a cash reserve that will enable you to grasp opportunity when it comes.

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