

**The Weather**  
Prediction.....Generally cloudy  
unsettled  
Maximum yesterday.....65  
Minimum today.....34.5

# MEDFORD MAIL TRIBUNE

**Weather Year Ago**  
Maximum.....76  
Minimum.....36

FOURTEEN PAGES TODAY

MEDFORD, OREGON, FRIDAY, OCTOBER 2, 1925

NO. 166

## TWO PIERCE DRY AGENTS ARE JAILED

**Robert and A. C. Smith, Special State Prohib Sleuths, Arrested for Bribery, Selling Moonshine and Using Booze—Culprits Sons of Former Pen Warden Smith.**

PORTLAND, Ore., Oct. 2.—(A. P.)—Robert Smith and A. C. Smith, said to be special state prohibition agents of Governor Walter M. Pierce, were arrested here today on secret federal indictment charged with conspiracy to violate the prohibition law, with selling liquor and taking it for their own use, with demanding money to keep from making arrests of law violators, and with selling moonshine taken in a raid on a still in Marion county.

Robert and A. C. Smith are sons of former Warden Johnson Smith of the Oregon state penitentiary. They surrendered today to United States Marshal Hotchkiss and were released on \$200 bail posted by Milton A. Miller and Dr. A. W. Morrow.

Arthur Christensen, former federal prohibition agent, and said to have been acting as special agent in Astoria was indicted on the same charges as those facing the Smith brothers. An additional charge of transportation of liquor was lodged against Christensen. Christensen was already under arrest on another charge and was out on \$500 bail. His bail was increased to \$2000 under the new charges.

There are four counts in the indictments returned against the Smiths and Christensen, formally charging them with demanding money to keep from making arrests for liquor law violations, with holding meetings with moonshiners to arrange for money payments for protection, for taking liquor for their own use, all these alleged acts coming in under the conspiracy charge.

It is set forth in the indictment that in Portland on May 31 last Christensen received \$250 from Roy Moore for protection.

On July 7, 1925, the indictment states, the three accused state officers found a large still near St. Paul, Ore., and that they took from there a quantity of moonshine whiskey, which they sold for their own benefit in Marion county the next day.

It is also charged that the three state special agents had in their possession unlawfully a lot of liquor on July 11.

## Wall Street Report

NEW YORK, Oct. 2.—Stock prices soared to higher levels today on an enormous volume of buying influenced by indications that federal reserve authorities, through retention of the 3 1/2 per cent rediscount rate at New York were satisfied with the soundness of the country's credit position. Standard industrial shares moved forward under the vigorous leadership of United States Steel, which rose more than two points to above 123. The stock market manifested indifference to the outcome of the French debt funding negotiations which contributed to the weakness of French francs and bonds.

The closing was strong. Buying continued in undiminished volume in the final dealings, pushing total sales up to around 2,500,000 shares, the largest single day's business since early in the year. Prices continued to advance rapidly, with gains of 4 to 6 1/2 points embracing General Asphalt common and preferred, Ward Baking B. Mack Truck, Texas Gulf Sulphur, Sloss Sheffield Steel and New York Shipbuilding. Ten shares of Michigan Central were sold at 650 an advance of fifty points over the last previous sale in September.

NEW YORK, Oct. 2.—Disappointment over the failure to reach a permanent settlement of the French debt

## Ben Turpin Ends Ten Months' Vigil; Wife Passes Away

HOLLYWOOD, Cal., Oct. 2.—Ben Turpin's long vigil at the bedside of his invalid wife was at an end today. The motion picture comedian abandoned his work at the studio when Carrie Lou Turpin became seriously ill last December and the call of the camera was unheeded month after month as he cared for the woman who would accept no other ministrations but his. Yesterday death ended her suffering. The Turpins were married in Chicago about 18 years ago and Mrs. Turpin worked with her husband on the legitimate stage and later in pictures. They were brought to Hollywood ten years ago by Charlie Chaplin.

## GIRL CONFESSES SHE SET FIRE TO FOOL MISTRESS

**Maid in Bend Home Who Told Story of Attack By Tramp Admits It Was Fake—Officials Declare Girl Insane.**

BEND, Ore., Oct. 2.—Bessie Keenan, maid at the Tracy Fairchild home, who Monday told a sensational story of an attack by a tramp who fired the house after she refused him food, last night confessed to officials that her story was a fake and that she fired the house herself.

Her purpose was to discredit the interior with smoke so that Mrs. Fairchild would not know that she had not washed the woodwork in the living room, as her mistress just before leaving for Portland for a few days, had told her to do.

The story came calmly and simply from the 21-year-old girl's lips as she sat in the district attorney's office last night and was pled with questions by Prosecutor A. J. Moore and H. H. Pomeroy, state fire marshal. She displayed little embarrassment.

What resistance she may have previously felt had been erased in long grilling at the hands of Pomeroy and Thomas Carlson, Bend fire chief yesterday. The two spent about seven hours with her, getting a full oral confession. Last night's interview was to make of it a matter of record, the confession being witnessed by three local newspaper men and several others, among them city officials and a physician.

That there will be no criminal prosecution is a practical certainty. District Attorney Moore is convinced that the girl is mentally unbalanced. Pomeroy is of the same opinion.

## Wild Horses to Be Turned Into Soap By Portland Firm

PORTLAND, Ore., Oct. 2.—Wild horses, estimated to number a quarter of a million, ranging on the wild lands of the Pacific northwest, are to be rounded up and sent to Portland to be rendered into fertilizer and soap fats. A Portland concern is erecting a two-story concrete building for the operations.

## Auto Freight Rate Cut.

WASHINGTON, Oct. 2.—(A. P.)—A reduction in freight rates on automobiles and automobile parts moving from Detroit territory to all points on the Northwestern Pacific north of Willits, Cal., was ordered today by the interstate commerce commission. It was expressed today by an initial break of eight points in the French franc to 4.66 1/2 cents and a decline in all the French bonds listed on the New York stock exchange.

## MRS. WOODROW WILSON REPORTED ENGAGED TO NEW YORK BANKER

PARIS, Oct. 2.—(A. P.)—A possible romance, linking the names of Mrs. Woodrow Wilson and Dr. Sterling Ruffin of Washington, D. C., lately has been the subject of much speculation in Geneva and Paris. Mrs. Wilson is visiting friends here but Dr. Ruffin was a passenger on the steamer Majestic which sailed for New York, September 23. Rumors of the impending engagement of Dr. Ruffin and Mrs. Wilson evoked the following statement today from a close companion of Mrs. Wilson: "Mrs. Wilson adheres to the policy she has followed since she was in the White House and refuses to confirm or deny any newspaper reports concerning her."

WASHINGTON, Oct. 2.—(A. P.)—Dr. Sterling Ruffin of this city, said he had "no comment to make," when his attention was called last night to reports from Paris of a rumored impending engagement between himself and Mrs. Woodrow Wilson.

## MITCHELL IS OPPOSED BY ROGERS

**Commander of PN-9 Takes Direct Issue With Stormy Petrel—Navy in No Way to Blame—Everything Done That Could Have Been Done—Every Precaution Taken.**

WASHINGTON, Oct. 2.—(A. P.)—Taking direct issue with Colonel Mitchell's charges, Commander Rodgers, a witness today before the president's air board, issued a challenge to anyone to "make a just criticism" of the arrangements for the Hawaiian flight of the PN-9 No. 1.

Colonel Mitchell previously had told the board the preparations for the flight which was commanded by Commander Rodgers, looked like the work of "bungling amateurs."

Without mentioning Mitchell by name, Rodgers declared the navy adopted the "proper tactics" and that he was fully satisfied with the crew and personnel assigned to the flight.

"I cannot see," Rodgers continued, "how the navy department could be held responsible for the failure of the flight."

"Everything was done that could be done."

"The secretary of the navy personally visited San Diego and ordered the bureau of aeronautics to give us everything that we asked for."

"This was done."

Rodgers said he was given authority to arrange the flight plans, which statement flatly contradicted Mitchell's charge that preparations were handled by "non-flying officers."

"So far as the navy department was concerned," Rodgers continued, "it went the limit in providing all that was desired."

"The planes were tested. The tests showed them capable of the flight."

"We would have reached Hawaii, had the wind not been against us, or if the plane had given the same mileage it did on the tests."

"Had we found a rescue ship on the first day we could have gone on. I was fully satisfied with my crew," he declared.

"Everything was in my hands. Regardless of whatever mistakes were made before or after, I challenge anyone to make a just criticism of the Hawaiian flight."

Rodgers was asked if this nation could be attacked by a foreign power with airplanes capable of crossing either ocean with 2000 pound bombs.

"No," he answered, "and unless some new engine is developed it is not probable that this will ever be true."

This also differed from the ideas of Colonel Mitchell.

**New Department Needed.** Rodgers told the board that development of the airplane had made necessary the establishment of a department of national defense, which would include both the army and the navy.

The need for a proper scientific organization of the national defense, he said, was plainly apparent.

The commander of the Hawaiian flight, however, opposed either a united force or a separate air corps such as had been urged by various witnesses before the board, declaring the problem engaging the study of the board was one involving essentially a revision of present organizations.

So far as aviation itself was concerned, as an interior problem he believed the question might be satisfactorily solved for the moment by proper establishment of an aviation budget, by improvement of personnel situation, fixing by law the retention of officers in the line of the navy on a special list, and by "establishment of a strong aviation section in operations."

"For a permanent and final solution," he added, "appoint the strongest man obtainable as secretary of the national defense, give him a good staff, let him work out the organization required."

**Costs Too High.** "Now, last but not most important, a point which I feel safe in assuming that no aviator has heretofore mentioned—defense by the air is no cheap thing," he said, "I have not the figures available, and I doubt if they would be pleasant to look upon. Ways and means must be found to reduce this cost. The matter of costs is one which it seems to me you must face before your duties are completed in this committee."

"Some such great re-organization as I have suggested is necessary to permit aviation to take its proper place in the national defense without breaking the United States treasury."

## Beautiful Widow Reweds



Three year engagement of Catherine Calvert, noted stage and screen actress, and George A. Carruthers, multi-millionaire Canadian sportsman, will culminate late in October with their marriage. The bride-to-be is the widow of Paul Armstrong, noted playwright ("Jimmy Valentine," etc.)

## TUNNEL CAVES IN, TRAIN CREW BURIED ALIVE

RICHMOND, Va., Oct. 2.—(A. P.)—From thirty to sixty men, members of a work train crew, are believed to have been caught in a cave-in in a Chesapeake and Ohio railroad tunnel under Jefferson park here shortly before 3:30 o'clock this afternoon and it is feared many lives have been lost. The fireman on the train, badly injured, crawled out of the tunnel at the eastern entrance and was rushed to a hospital. He declared the work train had been caught in the cave-in, that there were a large number of men on the train but he did not know how many had been caught in the detritus.

He said he feared the engineer had been killed as he had not seen anything of him since the crash.

The western entrance to the tunnel which caved in shortly before 3:30 o'clock, is located directly under Jefferson park. Many houses are situated near the summit of the hill under which the tunnel runs.

Several ambulances were hurried to the scene.

The entrance was blocked, however, and the sliding continued.

The depth of the tunnel beneath the hill is estimated at 150 feet at the deepest point. It is about a mile long. The work train was west bound through the tunnel, which caved in from the western entrance. The slide began shortly after the train entered the tunnel, which is estimated to be a mile long.

The railway's official statement follows: "At 3:30 p. m. the west portal of Church hill tunnel caved in for a distance of 275 feet. Engine handling work train in tunnel had just cut off its cars and was caught when coming out."

"About fifty men were working in this space. Not known at 4 p. m. how many persons injured or killed. One man escaped with a broken arm, the only one seen to this time. Relief crew is working through the east entrance."

## Wire Report on the Pear Market

NEW YORK, Oct. 2.—(U. S. Bureau of Markets.) Thursday pear market: Twenty-four cars California; 3 New York; 21 Oregon; 13 Washington; 10 New York by boat; Oregon anxious 3 1/2 cars. Extras, poor \$2.50; fancy \$3.20 to 4.10; few small \$2.70 to 2.90; poor \$1.75 to 2.25; average \$3.35; choice \$1.50 to \$1.65; average \$1.65. Some 12 cars, poor extras \$1.90 to 2; average \$1.98; fancy \$1.70 to \$2.20; average \$2.59. Boss, one car extra \$3.35 to 4.55; average \$3.67; barletts two cars extra \$2.75 to 3.60; tops \$2.20 to 2.55; average \$3.29; fancy \$2.55 to 3.45; tops \$2.90; average \$2.90.

CHICAGO, Oct. 2.—(U. S. Bureau of Markets.) Friday pear market: Two cars California; two Colorado; three Illinois; two New York; one Oregon; one Utah; fifteen Washington; one Michigan by boat. Oregon barletts 529 boxes, choice \$1.35 to 2.50; mostly around \$2.

## WILL KING ASKS FOR DELAY IN MURRAY'S TRIAL

SALEM, Ore., Oct. 2.—Will R. King, attorney for Tom Murray, who was scheduled to go on trial in circuit court here next Monday morning for the alleged murder of Guards Milt Holman and James Sweeney during the break of Murray, Ellsworth Kelly and James Willos from the state prison August 12, this afternoon filed motion with Judge Percy R. Kelly asking postponement of the trial until the "first day of the December term of this year, or such further time as the court may deem suitable."

In the petition King alleges that it is impossible for him to properly defend Murray without being permitted to make "a full examination of the prison grounds, prison cells, especially including what is known therein as the 'bull pen,' and that requests for permission to inspect the 'bull pen' have been repeatedly denied by Warden A. M. Dalrymple, who on one occasion remarked that "a personal inspection of the 'bull pen' is not permitted."

The petition also recites that the attorney for the defense has reason to believe that other prisoners in the penitentiary, including Willos and Kelly, are in a position to offer valuable and pertinent evidence for the defense, and asks an order giving him authority to interview said prisoners, under proper safeguards against their escape but with freedom from eavesdropping by guards and others.

King alleges that Dalrymple has refused him permission to interview these prisoners except in the presence of one or more guards.

He further charges that he has not been allowed to interview or consult with Murray except through locked steel doors.

Warden Dalrymple is also accused of refusing to allow delivery of letters addressed King as counsel for Murray from other prisoners and an order is asked compelling the warden to surrender all such letters so far intercepted and to compel delivery of all such letters in the future.

## BASEBALL SCORES

| American.   | R. | H. | E. |
|---|----|----|----|
| At Philadelphia.....  | 0  | 6  | 0  |
| New York.....   | 10 | 16 | 0  |
| Philadelphia.....   | 10 | 16 | 0  |
| At Boston, Penneck and Bengough; Baumgartner and Perkins.   |    |    |    |
| Boston.....   | 2  | 10 | 4  |
| Washington.....   | 11 | 16 | 2  |
| Kelly, Lyle and Tate; Ehmke and Bisehoff.   |    |    |    |
| National  | R. | H. | E. |
| At Chicago.....   | 4  | 12 | 2  |
| St. Louis.....  | 3  | 4  | 0  |
| Chicago.....  | 3  | 4  | 0  |
| Batteries: Stuart and Vick; Alexander, Cooper and Hartnett.   |    |    |    |
| No Need to Worry. However, NEW YORK.—Insurance on an executed murderer need not be paid, the state courts have ruled. |    |    |    |

## John J. McNamara Sentenced to Term In State Prison

INDIANAPOLIS, Oct. 2.—(A. P.) John J. McNamara, labor leader, was sentenced today to one year in prison and fined \$1000 for blackmail. He was convicted last week on the charge which arose from a controversy between labor union and non-union men over the construction of the Elks home here in 1924.

## COURT DECLARES SALEM MUST BE BANK LOCATION

**George Putnam Wins in Suit to Have State Bank Headquarters Moved From Portland to State Capital—Law Is Mandatory.**

EUGENE, Ore., Oct. 2.—Demurrer of Frank C. Bramwell, superintendent of banks of the state of Oregon, to the application for an alternative writ of mandamus brought by George Putnam of Salem, is overruled in an order handed down this morning by Judge G. P. Skippworth, who heard the case recently at Salem.

Putnam, in his action, is seeking to compel Bramwell to maintain his office as superintendent of banks at Salem, instead of Portland.

"There are two principal questions urged by the attorney for the defendant," the opinion of Judge Skippworth declares, "first, that George Putnam has no legal capacity to maintain this proceeding inasmuch as the superintendent of banks and the expenses of his office are not maintained through taxation and therefore the plaintiff, George Putnam suffers no special or pecuniary loss through the removal of the office of superintendent of banks from Salem to Portland, and, second, that the courts should not interfere with the discretionary acts of an officer."

Relative to the contention of the defendant in the demurrer that the plaintiff has no legal authority to bring action, the opinion states: "The general rule is that where private or corporate rights are affected the relator must show an interest. However, the rule is established by a preponderance of authorities that where the question is one of public right and the object of the mandamus is to procure the enforcement of a public duty, the relator need not show that he has any legal or special interest in the result; it being sufficient that he is interested as a citizen in having the law executed and the duty in question enforced."

"The second question is whether action is pending between the same parties for the same cause may be dismissed with the statement that such fact does not appear upon the face of the alternative writ of mandamus," the opinion declares.

On the question of interference of the courts with an officer in the exercise of discretionary powers, the opinion says: "The court has no quarrel with counsel on this question and will concede such to be the law, but in this case there is no discretion. The statute says that the superintendent of banks shall maintain his office in Salem. . . . and he may, when considered by him to be expedient and convenient, establish branch offices within the city of Portland. The court has no control over the superintendent of banks on the establishment of branch offices within the city of Portland; . . . but the court does have the power to say to the superintendent of banks 'you shall not move the principal office of the banking department from Salem, the place where it is provided by law it shall be maintained, to Portland.'"

"Briefly, the court holds that the relator, George Putnam, has the legal capacity to maintain this action. Second: That the court by mandamus can compel the superintendent of banks to maintain his principal office in the city of Salem."

"The demurrer to the alternative writ should be overruled."

## Mary MacSwiney Ruled Out

WASHINGTON, Oct. 2.—(A. P.)—The application of Miss Mary MacSwiney, a member of the Irish republican party, for admission as a delegate to the inter-parliamentary union conference, was denied today by Hanson Theodore Adelswaerd, president of the union.

## Chinese Strike Ended

SHANGHAI, Oct. 2.—(A. P.)—The strike of Chinese telegraphers which crippled communication throughout the country for several days, has been ended.

## COLONEL MITCHELL ORDERED TO REPORT FOR DISCIPLINARY ACTION

WASHINGTON, Oct. 2.—(A. P.)—Colonel William Mitchell has been ordered by the war department to report on Monday to the inspector general of the army in order that investigation of his conduct with a view to disciplinary proceedings may be resumed. The order to Colonel Mitchell was given yesterday after the air board had notified the war department that it had concluded its examination of the former assistant chief of the army air service, but that it had requested him to prepare and submit certain data which he should be able to do by Monday. Colonel Mitchell will be directed to report to the inspector general of the army in connection with the investigation previously ordered, as to whether language which he employed in a statement made public in San Antonio, Texas, was such as precipitated the appointment of the special air board, constituted to conduct the investigation of his conduct and military discipline.

## MORE DEAD ARE FOUND IN U-BOAT

**Two More Bodies Found in S-51 Engine Room—Doors Open and Compartments Flooded—Torpedo Room Is Only Place Not Visited—Crane Called Off.**

ON BOARD U. S. S. CAMDEN, OFF BLOCK ISLAND, Oct. 2.—(By Wireless to The Associated Press.)—The toll of the known dead of the submarine S-51 was raised to four today when divers recovered the bodies of two of the crew in the engine room compartment of the ship.

The men were identified as Walter E. Lawton, electrician's mate, first class, Somerville, Mass., and B. D. Lindsay, engineman, second class, 527 Government street, Pensacola Fla.

The bodies were recovered after divers had cut open the hatch of the engine room. They had determined definitely that this compartment was flooded last night when an exploring hole the size of a pencil was bored in the hatch. Only a few air bubbles were emitted.

Both of the men were fully clad and evidently had been on watch when the submarine was rammed by the City of Rome Friday night.

The bodies which were in fair condition, were taken aboard the Camden and were held ready for shipment to the Newport naval hospital where the bodies of two of the crew previously found had been sent.

Finding of the motor room flooded cut down sharply on the slim chances that there are any of the crew still alive. The engine room was found flooded last night and two bodies recovered in it this morning.

There is still one compartment remaining to be examined for any signs of life, that is the torpedo room in the bow of the ship. The divers, acting under orders from Rear Admiral Christy, in charge of the rescue operations, plan to cut a small exploring hole in the hatch of the compartment to see whether it also is flooded.

The divers also plan to explore the motor room compartment to determine whether there are any bodies there.

Admiral Christy reported also that the door leading from the engine room to the motor room had been found open and the room flooded. His message said:

"Divers entered engine room hatch and found motor room door open. Plan to bore small exploring hole in torpedo room today to determine whether it is flooded or not. Recommend release Monarch and Century as I can see no possible use of them in rescue operations."

The torpedo room referred to in the message is in the tip of the bow and is the only compartment which has not been investigated.

The bodies recovered today were those of Walter E. Lawton, electrician's mate, who resided in New London, and Brady D. Lindsay, engineman of Pensacola, Fla.

Reports had been received earlier of the finding of a body in a navy uniform off Stonington, which led officials to believe that one of the men washed overboard from the S-51 had floated in there, but Lieutenant A. H. Deering of the medical corps, sent to Stonington to view the body reported that it was not that of a navy man. It had been in the water about three weeks. The body was later identified as that of H. N. Rosland of Noank, Conn.

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