

The Weather
Prediction Generally fair;
continued cold
Maximum yesterday 62.5
Minimum today 37
Precipitation .01

MEDFORD MAIL TRIBUNE

Weather Year Ago
Maximum 65
Minimum 32

MEDFORD, OREGON, TUESDAY, NOVEMBER 3, 1925

NO. 193

EX-CASHIER OF GOLD HILL BANK FREED

P. H. Bell, Sentenced to 10 Years in Prison By Judge Thomas 18 Months Ago Has Sentence Commuted By Governor Pierce—Will Make His Home in Portland.

SALEM, Ore., Nov. 3.—It became known here today that P. H. Bell, former cashier of the Bank of Gold Hill, who was in the state penitentiary doing time for embezzlement, was discharged under a commutation of sentence on October 29. Bell is in Portland, where he may locate.

The Gold Hill bank of which Bell was president and cashier, closed its doors in March, 1924, and an order was signed by the court ten days later to close up for liquidation. Depositors received 90 cents on the dollar.

PORTLAND TIMBER MAN IS MISSING

PORTLAND, Ore., Nov. 3.—(A. P.) O. A. Ritan, 36, timberman of this city, disappeared yesterday afternoon and all efforts to trace him have been in vain.

Daily Report on the Crime Wave

KEISO, Wash., Nov. 3.—Mrs. Cora Zaek, demoted mother of nine children, who has lived for 20 years on a lonely homestead in the upper Kalama river valley, killed her youngest son, Gilbert, five, by hacking his head off with an axe.

The Noted Dead

PORTLAND, Ore., Nov. 3.—(A. P.) C. E. Woodson, 53, prominent attorney of Heppner and member of the University of Oregon board of regents died at St. Vincent's hospital at 7:30 last night from internal complications which followed a failure of health during the past year.

PETTING PARTIES ON TWIN PEAKS HIGHWAY HELD UP BY 3 BANDITS

SAN FRANCISCO, Nov. 3.—Fourteen automobile loads of sightseers and "petters" were grouped together by chance on the Twin Peaks boulevard last night to see the lights of the city twinkle below them in the clear November dusk.

Harvard President Says Blood Reddest Before Hits Brain

NE HAVEREN, Conn., Nov. 3.—When a self-styled red-blooded Harvard graduate asks A. Lawrence Lowell why the football team does not win, Harvard's president recalls that red blood is most red when it has not been through the brain.

NEW CABINET IN FRANCE PLANS FOR SACRIFICES

Second Painleve Ministry Declares Exceptional and Immediate Sacrifices Needed to Restore France—U. S. Debt Must Be Settled.

PARIS, Nov. 3.—(A. P.)—The chamber of deputies tonight gave a vote of confidence to the new Painleve cabinet.

PARIS, Nov. 3.—(A. P.)—The second Painleve ministry may know its fate late this evening. The premier, having accepted immediate discussion of interpellations on his general policy, intends to push it through to a vote before adjournment of the chamber.

PARIS, Nov. 3.—(A. P.)—Restoration of the French treasury and improvement of the French financial situation, where the American debt settlement is one of the most important features, dominates the ministerial declaration with which the second Painleve cabinet faced parliament today.

PARIS, Nov. 3.—(A. P.)—The government holds, dependent upon a sacrifice, "national, exceptional and immediate, to the end that the debts be reduced, the franc stabilized and the budget balanced."

The reduction of the debts, the government proposes taxation on all forms of wealth, the proceeds to be applied outside of any budget requirements solely to debt reduction and to be independent of all state control.

Goes Crazy in Air

PRAGUE.—A government flier had an unwanted thrill. Attacked suddenly up in the air by an insane passenger, he fought with one hand and with the other guided the plane safely to earth.

CITY ZONING UPHELD BY SUP. COURT

By Four to Two, State Supreme Court Holds Cities Have Right to Regulate Types of Buildings in Various Districts—Creamery Denied Right to Build.

SALEM, Ore., Nov. 3.—The constitutionality of the Portland zoning ordinance was upheld today by the supreme court when an opinion reversing Judge Robert G. Morrow of the lower court was handed down in the case of Ernest Kroner and Frank Michels against the city of Portland, appellant. The opinion was written by Justice Burnett. It was not unanimous. Justices Bean, Brown, Conhow and Belt concurred in the Burnett opinion, while Chief Justice McBride and Justice Rand wrote dissenting opinions.

The plaintiffs in the case are owners of two lots at the southeast corner of east Thirteenth and Pine streets, Portland, where they undertook to construct a creamery. They sued the city when the latter undertook to prevent them from erecting the building.

The plaintiffs contended that the zoning ordinance violated both the federal and the state constitutions in that it denied plaintiffs due process of law and constituted a taking of their property without compensation, and denied them the equal protection of the laws.

Upholds Police Power "It is plain," says the opinion, "that governmental agencies entrusted with the police power, as the city of Portland can, enact laws regulating the use of property for business purposes. Otherwise it would be permissible to erect a power plant on the site of the Hotel Portland or to install a glass factory next to the city hall or to erect a boiler shop adjacent to the First Congregational church. Such things would be legitimate but for the restraint of the police power. The difference between such instances and the present contention is in degree and not in principle."

"Applied to the present situation, it is very clear that a creamery, with its boilers, milk cans, delivery trucks, process of manufacturing, and fire risks of the business requires treatment in the way of regulation different from that appropriate to a mere private dwelling."

"No Property Taken "The property of the plaintiffs is not taken," says the opinion further. "They have precisely the same estate that they had before. All that the people of Portland have said is that within certain districts, certain businesses shall not be carried on and the property situated therein shall not be used for such undertakings."

Justice McBride Dissents "I have always felt," says Judge McBride, "that when a man invests his means in a lot and the zoning ordinance was passed, he had an unrestricted right to use it for any business not constituting a public or private nuisance. Now, he must confine its use to a particular object, or leave it vacant and unremunerative."

Actor Hopper Honeymoons With 6th



How long will De Wolf Hopper be married this time? Is question being asked in stage greenrooms as well-known actor honeymoon with his sixth wife, nee Lillian Glaser, 29, of Oklahoma, a singer. His former matrimonial ventures have averaged six years.

MRS. STILLMAN DENIES REPORT MARRIAGE PLAN

Wife of Banker and Young Fowler McCormick Admit Warm Friendship, But Deny They Plan to Marry—Divorce Agreement Reached.

NEW YORK, Nov. 3.—(A. P.)—Mrs. Anne U. Stillman denies that she and young Fowler McCormick of Chicago plan to marry after she obtains a divorce from James A. Stillman.

"I am too old and he is too young," she has informed a representative of the New York World, answering a direct question.

Interviewed at her camp at Grande Anse, Canada, where Mr. McCormick is visiting her, Mrs. Stillman admitted the World says in a copyright article today, that she and her husband have reached a mutual agreement as to a divorce.

Indicted for Running A Gay Paree Cabaret

OMAHA, Neb., Nov. 3.—(A. P.)—Eight Omahans today stood indicted by a federal grand jury for alleged conspiracy to violate the prohibition act during the recent national convention of the American Legion through the operation of the "Gay Paree" cabaret, a one-week novelty to use the legionnaires.

N. Y. Apostle of Doom Predicts End of Peace, Armistice Day

NEWARK, N. J., Nov. 3.—Robert Reddi, Long Island "apostle of doom," who predicted that the world would end on February 6 last, today announced in Newark that the present reign of peace "would end on Armistice day."

Wire Report on the Pear Market

NEW YORK, Nov. 3.—(U. S. Bureau of Markets)—Monday's pear market: Sixteen cars California; six New York; fourteen Oregon; two Washington; four New York by boat. Market steady.

Oregon Supreme Court Decisions

SALEM, Ore., Nov. 3.—The supreme court this morning handed down decisions upholding the constitutionality of the Portland city zoning ordinance and the Eugene municipal bond issue.

Prince Takes First Tumble Since He Returned From Trip

LEIGHTON BUZZARD, REDD-FORDSHIRE, England, Nov. 3.—(A. P.)—The Prince of Wales took his first tumble today from horseback since returning to England from his recent journey.

3 BOOTLEGGERS CAUGHT, RECORD LOADS SEIZED

170 Gallons of Liquor, Valued at \$35.00 Found By Talent and McCredie in Cars Driven By California Bootleggers—Cars Confiscated.

The largest amount of moonshine to be seized in the history of Jackson county was taken last night when State Special Officer T. A. Talent and Federal Prohibition Officer Cletus McCredie arrested J. J. Travers of Stockton, Cal., with 150 gallons of corn whiskey in his possession, and Walter Dyrberg and John Bughner of Sacramento, with 50 gallons of moonshine, seven miles south of Ashland on the Ashland-Klamath Falls and Pacific highways.

Travers, according to the officers, was enroute from Sacramento to Klamath Falls, while Dyrberg and Bughner were enroute to this city from the same place to fill orders, which they are said to have taken several weeks ago.

Travers was arrested at 9 o'clock last night, four hours after Dyrberg and Bughner had been put under arrest. Travers, a man of 40 years, attempted to evade arrest by speeding his 1925 model Hudson away from the pursuing officers, who had hailed him as he turned off the Pacific highway onto the Ashland-Klamath Falls road.

Mitchell Over-Ruled

WASHINGTON, Nov. 3.—(A. P.)—Colonel William Mitchell again was overruled by the general court martial trying him today when he sought to have the charges against him dismissed on the plea that the prosecution had no proof of his guilt.

ROSEBURG RANCHER FINED \$250 FOR SETTING FOREST FIRE LAST MONTH

ROSEBURG, Ore., Nov. 3.—Pleading guilty to the charge of setting a forest fire which last month burned over more than 100 acres of timber land on Camp creek, near Scottsburg, Clarence Gould, a resident of Allentown, was fined \$250 in the justice court here today. Gould was arrested by M. Talbot, special investigator with the Douglas county fire patrol, and according to Super-

MITCHELL TO BE GIVEN A FREE HAND

Air Critic Allowed By Court Martial to Call Higher-Ups in Air Service—Plea for Dismissal of Charges Denied—Court Adjourned Till Monday.

WASHINGTON, Nov. 3.—(A. P.)—The court martial trying Colonel William Mitchell held today that he was within his rights in asking for the testimony of a long list of witnesses, including three cabinet officials, in defending himself against the disciplinary charge growing out of his attack on the government's air policy.

After the court had examined the list, Major General Robert L. Howze, president of the tribunal, directed the prosecution to "take immediate steps to proceed to facilitate the defense by securing the witnesses and documents called for."

An adjournment then was taken until Monday to permit preparation and service of subpoenas. On the list are Secretaries Davis of the war department, Wilbur of the navy department, and Jardine of the agriculture department; Everett Sanders, secretary to President Coolidge and many high ranking army and navy officers as well as others in civil life who have had contact with aeronautics.

Some of those named are in Honolulu and other distant places and it was indicated that no decision had been reached as to whether all of them would be brought here. The action of the court apparently means that Colonel Mitchell will be given a free hand in thrashing out the whole aircraft controversy in court, in an attempt to prove that he was justified in charging that the army and navy air services were being administered with criminal and almost reasonable neglect of the best interests of the country.

Voluntarily documents now in the government's files, including war and navy department records and copies of such letters as may have been written and received by President Coolidge in regard to the air controversy, are called for as a part of the case of the defense.

Whether the right of the court martial to demand access to all of these documents will be recognized by the White House and the departments concerned, remains undiscussed.

A trial running into several weeks now seems certain and as a result a debate over the government's aircraft program doubtless will be carried over into the next session of congress which begins early next month.

The president's air board, which already has been over much of the ground to be covered in the Mitchell defense, has under consideration a report which it had hoped to submit before congress convenes.