

The Weather	
Prediction	Unsettled; probable showers.
Maximum yesterday	56
Minimum today	36
Precipitation	11

MEDFORD MAIL TRIBUNE

Weather Year Ago	
Maximum	58
Minimum	36

MEDFORD, OREGON, TUESDAY, APRIL 17, 1928.

Today

By Arthur Brisbane

The Warmest Welcome. Secretary Davis Example Extra! Terrible Trust. A Bad Picture.

(Copyright, 1927, by New York Evening Journal, Inc.)
E. M. Statler, who built many hotels providing comfort for hundreds of thousands, died suddenly yesterday. He will meet William Shenstone, who wrote: "Who'er has travell'd life's dull round. Where'er his stages may have been, May sigh to think he still has found. The warmest welcome at an inn."

Ten young soldiers went up together in a three-engine, metal Ford airplane. The ten all jumped together, with parachutes, and all landed safely, breaking the simultaneous parachute jumping record.

Army aviators have enthusiasm, because Mr. Davis, secretary of war, sets the example in flying, and his assistant, Trubee Davison, although smashed up in an airplane accident at the beginning of the war, is another constant flyer.

Men are ready to follow where their superiors lead.

London worries about great newspaper trusts. Rothermere, Beaverbrook and one or two others threaten to swallow all the newspapers of Great Britain.

There is one consolation in dealing with newspapers, the people have the initiative, referendum and recall. They can buy or refuse any paper—and they can ruin any paper by refusing to buy it.

They would be better off if they had the same power over elected officials.

Rubber workers in Brazil hurry down the Amazon to the place where Henry Ford has bought rubber concessions from the state of Para. They hear that Henry Ford pays big wages—he does—and they all want to work for him.

Led by real estate will-o'-the-wisps a lot of Americans rushed to buy land, more or less in the neighborhood of Muscle Shoals, under the impression that Ford would come down and make the land worth ten times its real value. Ford did his best to stop that expensive foolishness, but it was impossible.

Lord Birkenhead, one of England's really intelligent statesmen, protested against the British film, "Dawn," showing the life and death of Edith Cavell, executed by Germans as a spy.

Lord Birkenhead says the question is, "Do we desire, or do we not desire, that a new era of peace should dawn in Europe?"

France and other nations in the course of bitter war executed women as spies. It was necessary, as part of the allies' war policy, to kill through disease brought on by semi-starvation, thousands of German children. All that is part of a horrible past and its memory should not be kept alive for money-making purposes.

The film "Dawn" should not be exhibited in this country.

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DECISION FOILS STATE IN O-C GRAB BARON READY TO KILL FLIGHT AIDES

WIFE NO. 2 BENEFITS JACKSON IN ESCAPE

Supreme Court Rules No Legal Foundation for Claim of State—Stanfield Bill Clear—Test Case May Be Appealed to U. S. Supreme Court.

SALEM, Ore., March 17.—(AP)—The state of Oregon is not entitled to share in the Oregon and California land grant tax refund to the counties under the Stanfield act, according to an opinion by the supreme court today.

The case was that of the state tax commission against the Marion county court to recover \$24,059.41, claimed by the state as its share. This, however, was only the pivot on which turned the interests of 17 other counties lying along the Southern Pacific railroad, including Columbia county, and involving a total claim of the state in amount of \$1,349,000.

The supreme court opinion was written by Justice Bean, concurring in by Justices Coshaw, McBride and Brown. Chief Justice Rand wrote a dissenting opinion, concurring in by Justices Belt and Rossman.

The opinion affirms Judge L. H. McMahon of the circuit court for Marion county, who dismissed an alternative writ of mandamus.

It was predicted here today that the case would be appealed to the United States supreme court.

"In order for a peremptory writ to be issued," says the opinion, "the alternative writ must disclose a clear duty on the part of the defendant to pay the amount therein provided under the terms of the act of congress approved June 13, 1926."

"The obligation of the county to contribute its portion of the state revenue exists only by virtue of the statute, and the valid requirement of the county to contribute to the funds or revenues of the state must have its foundation in law. Usually a legislative enactment prescribes the duties and obligations of a county to its parent state."

"In order for a county officer to be warranted or authorized to pay out the funds of a county to a state official or anyone else, the law must so require and direct. The county officer making such a disbursement must be able to put his finger upon the law creating the demand and prescribing his official duty."

"The allegation of the writ . . . to the effect that by reason of matters a thing alleged in the writ the county of Marion has received from the United States now has in its possession the sum of \$24,059.41, which it is specifically required and directed by law to pay to the state of Oregon is a mere conclusion based upon other allegations of the writ, and does not fulfill the requirement. The state has not shown a legal duty on the part of the defendants to pay it said sum, or any part thereof."

Again the opinion says: "Under the plain provisions of the act of July 13, 1926, the funds received by Marion county thereunder are to be prorated and apportioned to the county port districts, school districts, road districts and other civil sub-divisions of the county as required by the state law and no part thereof is due the state of Oregon."

Chief Justice Bean, in his dissenting opinion, takes direct issue with his and says stress on section five of the act, which "directs that when received by the counties 'all moneys . . . shall be prorated, apportioned, and paid to the state, county, port districts, school districts, road districts and other civil sub-divisions of the county in the same proportion as the taxes assessed, levied and collected by the county for the year covered by such payment are apportioned and paid to the state, county and each civil sub-division will receive the same amount as though the money had been paid by a taxpayer for each year."

The decision of the state supreme court today, in favor of the counties, in the attempt of the state to grab a portion of the O-C tax refund moneys was received with satisfaction here by county officials.

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En Route to Plaudits of World



BARON HUENEFELD, JAMES FITZMAURICE, CAPT. HERMANN KOEHL

CRESCENT CITY HARBOR GIVEN MONEY RATION

Apportioned \$250,000 for This Year and Work to Start at Once—Coast Interests Jubilant—Other Oregon Ports Helped.

GRANTS PASS, Ore., April 17.—(AP)—Crescent City people were jubilant today when informed that \$250,000 would be available this year for harbor work, the general impression having prevailed there that a maximum of \$100,000 would be spent during 1928.

The allocation announced today is in addition to the \$50,000 annual maintenance allowed for the harbor.

Work to be undertaken this summer will be the rebuilding of sunken portions of the sea wall already constructed and capping this with concrete. Bids have been called for materials for this work.

Plans now call for the construction of the major project authorized by congress when an appropriation of \$710,000 was made for the harbor.

WASHINGTON, April 17.—(AP)—Millions of dollars were set aside today by Major General Edgley Jadwin, chief of army engineers for rivers and harbors improvement during the year beginning July 1.

The allotments are made from a lump sum appropriation previously provided by congress for that purpose.

Forced Landing of Medford - Bound Air Mail Plane

GRANTS PASS, Ore., April 17.—(AP)—A Pacific Air Transport mail plane was forced down at Wolf Creek, in the mountains, 20 miles to the north of this city, shortly after noon today. Low clouds and shortage of fuel caused the landing, according to Pilot H. E. Miller. The plane was not damaged, and the mail was taken to Medford by automobile.

HAYS, PAINTED AS A SNOOPER FOR OIL FACTS

Visited Home of Mrs. Pratt in Search of Data on Liberty Loan Deals—Memo Named Notables of G. O. P.

WASHINGTON, April 17.—(AP)—Testimony that Will H. Hays, former republican national chairman, visited her home early this year in search of the record of a Liberty bond transaction with her late husband, was given the senate Temperance committee today by Mrs. John T. Pratt of New York.

Previous testimony had been that Harry P. Sinclair turned over a large batch of Liberty bonds to Hays and that Hays gave \$50,000 of them to Pratt to dispose of in wiping out a campaign deficit.

The bill would authorize to be appropriated, in addition to the regular amounts for such purposes, \$50,000,000 for river and harbor works, \$10,000,000 for flood control, and \$15,000,000 for construction of public buildings.

SALEM, Ore., April 17.—(AP)—Miss Grace Phelps of Portland was today reappointed by Governor Patterson on the state board for examination and registration of graduate nurses.

FLOOD CONTROL BILL ASTOUNDS MR. COOLIDGE

Declares It Most Extortionate Measure in His Regime, and Surprised at Senate—Prosperity Reserve Bill Favorably Reported.

WASHINGTON, April 17.—(AP)—President Coolidge regards the pending flood control bill as the most extortionate measure that has passed any branch of congress since he has been president.

He believes that neither the senate nor the senate committee were acquainted with its ramifications, and he is surprised that the measure passed the senate with so little discussion.

The president attributes the raising of the administration bill from approximately \$200,000,000 to \$1,400,000,000 largely to agitation by lumber interests.

While not wishing the government to take over lands of lumber companies without just compensation, the president believes the opportunity should not be seized to involve the government in large damages by obtaining land to carry out the flood relief proposals.

WASHINGTON, April 17.—(AP)—The "prosperity reserve" bill of Senator Joseph R. Burton, Republican of Washington, setting up a vast public works program to be used by the president whenever employment drops, was ordered favorably reported today by the senate commerce committee.

The bill would authorize to be appropriated, in addition to the regular amounts for such purposes, \$50,000,000 for river and harbor works, \$10,000,000 for flood control, and \$15,000,000 for construction of public buildings.

RESCUERS BREMEN'S CREW OFF

German Members of Trans-Atlantic Plane On Ice Isle—Will Join Fitzmaurice for Entry Into New York—Repairs Held Impossible, Say Late Advices.

FATHER POINT, Que., Apr. 17.—(By the Canadian Press.)—The Schiller plane with Major Fitzmaurice arrived at Clarke City at 3:50 p. m. today.

QUEBEC, Apr. 17.—(By the Canadian Press.)—Major Fitzmaurice hoped off this afternoon from Natashquan for Clarke City, en route to Murray Bay. En route he passed another Canadian Transcontinental Airways plane taking newspapermen from Seven Islands to Greenly island. Improved weather permitted the flights.

MONTREAL, April 17.—(By the Canadian Press.)—Wireless operators in touch with Greenly island reported today that it had been decided that the trans-Atlantic monoplanes Bremen could not be repaired on the island. They said the German aviators would fly to Murray Bay in a relief plane and continue to New York in the Junkers plane now in Montreal.

OTTAWA, April 17.—(By the Canadian Press.)—A message from Quebec this morning reported that the crew of the trans-Atlantic monoplanes Bremen was on its way from Greenly island to Murray Bay in a relief plane jointly piloted by C. A. (Duke) Schiller and Dr. Louis Cuisinier.

The message read: "At 9:30 a. m. Seven Islands reports crew of Bremen on board hydroplane piloted by Cuisinier and Schiller jointly; will arrive at Murray Bay about noon. A Junkers plane from New York will take Fitzmaurice, Baron von Huenefeld and Captain Koehl direct to New York. Montreal to take Bremen to Halifax for repairs."

The relief plane was taken to the island by Schiller and Cuisinier from Murray Bay and yesterday Schiller flew back to the mainland with Major James Fitzmaurice, Irish member of the Bremen crew, leaving Baron von Huenefeld and Captain Koehl, the German crew members, on the island with Cuisinier.

Schiller and Fitzmaurice landed 200 miles from the island at Natashquan and there had been no word of their having left there until today's message indicating they had returned to the island and picked up the Germans and Cuisinier.

The message this morning was relayed by Quebec from Seven Islands. It was sent to J. Goebbl, general agent of the government telegraphs here.

QUEBEC, April 17.—(By the Canadian Press.)—The two German members of the trans-Atlantic Bremen were waiting at Greenly island with their damaged plane today as the Irish member of the triumvirate was bound for this city to obtain the parts necessary to repair the plane.

Major James Fitzmaurice left Greenly island yesterday in a relief plane piloted by Charles A. (Duke) Schiller, to select the parts necessary to put the Bremen again in running order. As soon as they are selected, Schiller is to rush them back to the Bremen.

The fliers' plans then call for Captain Hermann Koehl and Baron von Huenefeld to fly the Bremen here to pick up Major Fitzmaurice and continue on to New York—the goal they set for themselves when they headed out over the Atlantic from Ireland last Thursday. Schiller would act as guide for them in his plane.

FAILURE OF LIGHTS AND FOG DELAY

Leader of Atlantic Hop Exhausted—Unable to Read Navigating Instruments—Made Trip in 36 Hours—First Account Received

ST. JOHN, N. B., April 17.—(By the Canadian Press.)—The Times-Globe and Telegraph-Journal today prints a first hand account by Miss Greta Ferris of the Grenfell mission of the arrival of the Bremen at Greenly island and the reception of the three trans-Atlantic aviators.

Her message, sent by wireless and telephone was told with laconic brevity: "Bremen 36 hours Dublin to Greenly island," it said. "Fog most of way. Arrived noon Friday, April 13. Mistook lighthouse for steamer frozen in ice. Lost bearings and compass inaccurate. Broke through ice. Injured axle, bent propeller. Still in same position. Plane hoisted on gasoline tank and boards.

"Baron cold and exhausted," the simple narrative continued, "feared that they would never reach land. Ready to shoot companions if worst came to worst.

"Baron came at once to lighthouse where given dry footwear. Refused to eat until his companions left plane first. First meal was biscuits and fresh milk. Baron feels the cold and anxious to reach New York."

"Fitzmaurice says Labrador is not Ireland—is warmer there. Koehl does not complain, all very modest. Most thankful to have accomplished such a feat."

"First words of all on arriving in different languages were: 'Thank God.' Spent first night at the lighthouse with keeper and family. Still there. Koehl celebrated 30th birthday on April 15.

"Grenfell workers drove fifteen miles with nine Eskimo dogs to extend mission hospitalities to heroes. Work too pressing and distance too great by dog team for fliers to accept.

"The plane Gaelp from Murray Bay, Canada, arrived Sunday at 4 p. m. to give relief. Gaelp returning to Murray Bay to get new under-carriage and other equipment for damaged plane. Photographed plane and Fitzmaurice with Irish Eskimo dogs.

"S. S. Montcalm within 100 miles of disabled plane coming to assistance. Much ice in strait. Four men crossed ice from Flow-ers Cove Sunday to get information and to see plane. Specially privileged here and allowed to examine plane without interference. No guards.

"Autographs obtained from the heroes. First Canadian autograph, Baron kissed our hands when bidding adieu. Koehl carries aeroplane mace sent him from Berlin with black pig given him before leaving Dublin attached.

Miss Ferris, whose home is in St. John, is a nurse on the Labrador medical mission of Sir Wilfred Grenfell. A party from the mission station at Blanc Sablon journeyed 25 miles by dog team to see aviators.

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