

The Weather
Maximum 76
Minimum 32
Forecast—Partly cloudy; possibly rain tonight or Tuesday; temperature continues mild.

MEDFORD MAIL TRIPUNE

Weather Year Ago
Maximum yesterday
Minimum yesterday

MEDFORD, OREGON, MONDAY, OCTOBER 8, 1928.

No. 199.

Today

By Arthur Brisbane
Mr. Justice Holmes.
Mothers That Swim.
He Gets the Works.
Little Aimee, Old London.

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SUPREME COURT JUSTICE OLIVER WENDELL HOLMES is now 87 years, 6 months and 29 days old. No man so old ever before sat in the highest court.
Roger Brooke Taney, chief justice of the Supreme Court when he died, 64 years and 25 days old, 6 months and 25 days old.

This country is proud of Justice Holmes, not because of his age and remarkable vigor, but because he has retained through so long a life a clear knowledge of law and the constitution, sound judgment and democratic sympathy.

His interpretation of law is for men and women, not for corporations.

Mrs. Schoenmel, mother of two children, holder of 22 swimming records, swam in rough water two miles in one hour, with hands and feet tied tightly—a remarkable achievement.

But more remarkable are the millions of mothers that have gone through live, hands and feet tied tightly by poverty and lack of opportunity, bringing up their families and surviving the rough water of domestic life, unappreciated by husbands and such obstacles.

Frankie Uale, leader of Brooklyn bootleggers, "got the works" as he sat in his fine big Lincoln car. They buried him with \$50,000 worth of flowers, and Michael Abbate, affectionately called "Little Mike," took Uale's place.

"Little Mike" got the works Saturday. Police found him crumpled up in his high-powered automobile and said, "Who did it?" "Somebody from Chicago."

After "Little Mike" is buried, with afflictive flowers, somebody from New York will kill somebody from Chicago, and so it goes back and forth. The bootlegging, hijacking system that pays hundreds of millions a year, in profits and bribes, builds up a powerful criminal class.

Some day this country will do something about it.

Young Los Angeles teaches Old London business methods.

Aimee Semple McPherson, charming young Angelana, went to Paris and told the world that in Montmartre she looked over the brink, down into hell.

Now she's in London to see that city, if possible.

She goes up and down among the night clubs, weeps because churches are locked while night clubs are open, newspaper men are following her. Last night she preached in Albert Memorial Hall, and every box was sold at high prices.

Kidnapers that rushed Aimee Semple McPherson into the desert certainly kidnaped a capable young lady. No wonder she got away.

British "movies" take the silent film is dead. The talkies give Britain its opportunity. British men and women have soft voices, know how to speak. Every English girl can sing. Great Britain will rule the talkies. Hollywood will take second place.

Hollywood will take "PERHAPS" but wait. The American language may not suit Britain but it suits America.

REFUND OF GRANT TAX IS UPHELD

State's Contention for Part of Refund Is Refused—Review By U. S. Supreme Court—Eighteen Counties Involved—Further Steps in Abeyance.

WASHINGTON, Oct. 8.—(AP) The attorney general of Oregon was today refused review by the supreme court of the state's suit to compel Marion county, Oregon, to pay it \$24,929. The state insisted the money was due it as its share of the money paid the county under the Oregon - Washington railroad tax refund law, covering the years 1916 to 1926.

SALLEM, Ore., Oct. 8.—(AP) Denial by the United States supreme court today of the state of Oregon's petition for a hearing on appeal in the Oregon - California railroad grant land tax refund case is believed to be a final determination of the case in a complete victory for the grant counties. These 18 land grant counties, in the litigation, were fighting any apportionment of the refund to the state.

Attorney General Van Alstede, when apprised of the denial today, was not prepared to say whether further steps would be taken to get an argument before the United States court.

The action at Washington will have no effect on the condition of state funds and financial outlays as now existing. State Treasurer Kay said, for the reason that in making its tax levy last year and estimating state needs the state did not take into consideration the possibility that the state might receive part of the refund. Had the state been victorious, however, Kay estimated the state's deficit, estimated for 1928-29, in this net, from \$609,000 to \$1,309,000, would have been wiped out.

The refund case dates historically back to 1916 and the refunds cover the period beginning in that year. In 1916 congress, by a re-vestment act, re-vested in the counties 25 per cent of the state's share of the federal school fund 25 per cent. It was calculated that what the counties would receive would compensate them for the loss of the taxes, but the lands were not sold and the counties lost heavily.

In 1926 the counties applied to congress for relief. As a result congress passed the Stanford bill. This bill provides in effect that the counties shall be paid as an advance against the fund provided in the Chamberlain-Ferris act such an amount as would equal the taxes that would have been levied on the re-vested lands if they had remained privately owned. The bill provided also that the money so received should be paid to the state, counties, port districts, school districts, road districts and other civil subdivisions of the counties in the same proportion as taxes for the several years covered by the act.

Under the terms of the Stanford bill the government paid the land grant counties about \$7,000,000. Of this amount the state claimed \$1,249,329.48, and that was claimed by the state in 1926. The state's future interest, including the payments already made to the counties, would be about \$19,000,000.

After the money had been paid out by the government under the Stanford bill to the counties, the state made a claim in Marion county for \$24,929.41. Marion county's share of the refund was \$119,255.58. The county refused to pay. Then the state on relation of the attorney general brought a mandamus against Marion county court to require the payment.

In the circuit court Judge L. H. McMahon denied the writ. Appeal was taken to the state supreme court and the case was twice argued. On April 17 last the state supreme court, by a 4 to 3 decision held that the congressional act did not provide for payment of any money to the state. It also denied the writ of mandamus. The state then petitioned the United States supreme court to hear the case on appeal. A brief in opposition was filed by the county. This petition was denied today.

With Marion county used as a test of the act the case was conducted for the 18 counties by District Attorney J. H. Carson of Marion county and Guy Gordon, district attorney for Douglas county.

Governor Smith to Confer With Chairman Raskob

NEW YORK, Oct. 8.—(AP) Governor Smith is coming to New York from Albany tomorrow to confer with Chairman John J. Raskob of the Democratic national committee on whether the presidential candidate will speak at Nashville, Tenn., Raleigh or other southern cities, before his address Saturday night at Louisville.

CRASH IN AIR BRINGS DEATH DROP TO FIVE

Collision of Planes Send 'One Ship to Earth While Other Tries Vainly for Safe Landing—Spectators See Attempt.

DETROIT, Mich., Oct. 8.—(AP) A spectacular duel with death in which the latter was ultimately victorious climaxed a crash between two airplanes 300 feet in the air here yesterday which cost five lives.

The crash occurred over the Burns flying field when a plane piloted by Russell Paulger, and carrying two passengers, collided with one piloted by Captain W. Brown of Detroit, who was circling the field with his fiancée, Miss Marjorie Yull, 27, of Vanderbilt, Mich.

Paulger's plane, in attempting to dive under the other ship, caught on the underpinning and was ripped apart. The plane dropped to the ground and burst into flames, carrying to their deaths, besides the pilot, Allen Sutton, 26, of Detroit, and an unidentified man.

Brown's ship, a small biplane, manufactured by a concern of which he was president, jerked free of the mid-air tangle, with a crippled wing and her underpinning gone.

As the field ground crew and a few spectators looked on, the plane began to spiral in an effort to straighten the damaged wing by wind pressure and finally succeeded in doing this. After getting the plane on an even keel, he swooped down to attempt a landing, made perilous by loss of his lower gear.

As the plane neared the earth the wing folded and the pilot, banking the plane, again ascended. The dropping wing gradually straightened out under the air pressure.

After circling a bit, the second desperate effort at landing was attempted and as the crippled plane dropped slowly earthward it appeared as though the game try would be crowned with success. But when the ship was within 100 feet of the ground the broken wing collapsed and flapped against the lower parts. Out of control, the ship nosed down and ploughed into the earth. Brown and his companion were dead when witnesses arrived at the scene.

ALCOHOL DEATHS TOTAL SEVENTEEN OVER WEEK END
NEW YORK, Oct. 8.—(AP) Four more deaths, believed by the police to be due to alcoholism, were reported today, making a total of 17 in New York over the week end.

WHERE YANKEES AND CARDINALS OPENED THEIR WORLD SERIES GAME



HOOPER TOLD OHIO FOR HIM AND G. O. P. FOURTH GAME IS POSTPONED ACCOUNT RAIN LARRY SEMON LOSSES BATTLE WITH DISEASE

Cooper and Thompson Tell Candidate Ohio Solidly Republican in November 'Tremendous Swing to Hoover', Editors Report.

By JAMES L. WEST
Associated Press Staff Writer
WASHINGTON, Oct. 7.—(AP) Herbert Hoover was told today by Myers Y. Cooper and Carmel Thompson, treasurer of the Ohio campaign committee, that Ohio would solidly Republican in November.

"Herbert Hoover will carry Ohio substantially and the whole Republican state ticket will be elected," Cooper said. "Both of our candidates for the senate will be elected. Senator Fess being returned to the senate and Representative Theodore E. Burton elected to that body."

Mr. Cooper and Mr. Thompson later called at the White House, where they had an engagement for luncheon with President Coolidge. They were accompanied by Hoover headquarters by Arthur Fenton, collector of customs at Cleveland, and Orville Smith, also of Cleveland and a law partner of Thompson.

"A tremendous swing to Hoover" all over the country was reported at the Republican nominees' headquarters by a delegation of a dozen Polish editors from Milwaukee, Chicago, Toledo, Cleveland, Detroit and Buffalo.

"I have spent the last three months traveling around the country and I have never seen such a change of feeling in my life as the tremendous swing to Hoover that has taken place everywhere in the last two weeks," said A. E. Rusklewicz, leader of the delegation.

"The prohibition question, which at first turned some Poles to Smith, is now disappearing," he added. "The Poles are beginning to realize that the president cannot permanently change the law, and the very great majority of them were for Mr. Hoover from the beginning because of his war work."

WHITE SOX WIN TO EVEN SERIES
CHICAGO, Oct. 8.—(AP) With Grady Adkins giving only six widely scattered hits the White Sox defeated the Cubs, 7 to 1, today to even the series for the city baseball title at three all.

ST. LOUIS, Oct. 8.—(AP) The fourth world series game between the St. Louis Cardinals and the New York Yankees was postponed until tomorrow by Judge K. M. Landis, commissioner of baseball, because of rainy weather today.

A hard downpour shortly after 8 a. m. was followed by a drizzle, with overcast skies. The forecast was for cloudy this afternoon and fair tonight and Tuesday.

Three debates at the hands of the enemy and the early morning rain meant nothing in the lives of the Yankees and Cardinals fans bent on witnessing a world's record game. As early as 7:30 a. m. about 200 pavilion and bleacher fans were on hand at Sportsman's park, holding paper umbrellas and newspapers over their heads and hoping for clearing skies.

Some thirty enthusiasts spent the night outside the park in order to be first inside when the gates opened at 8:30. Six small cheer fans entertained with songs and interjections of the "bleek bottom" until exhausted. Then they curled up in a large paper carton and went to sleep.

The American leaguers in making it three straight over the National league champions have already made one record in this series by winning seven consecutive world series contests.

The Cardinals have been forced back to their last line of defense and can not retreat farther. They have found solace in the Salvation Army cry that a man may die, but he is never out. They realize now, however, that they are down in this series and if they stumble again they will be out.

BODIES ARE FOUND PAINTER AND PRIEST WERE SHOT TO DEATH
BEAUMONT, Tex., Oct. 8.—(AP) Father Anthony Deshonne of St. Joseph's Catholic church and John Rose, a painter and paper hanger, were found shot to death in the priest's home here today.

GAIN REPORTED BY P. T. AND T.
NEW YORK, Oct. 8.—(AP) The Pacific Telephone and Telegraph system's August net income was \$1,127,736 against \$1,164,890 in August, 1927. For the eight months it was \$9,887,320 against \$8,941,626 in same period in 1927.

DRUMS SOUND HICKMAN'S LAST HOPE NOW LOST

AT SAN ANTONIO LEGION CONFAB
Tenth Annual American Legion Convention Opens Today—Frolicsome Spirit Shown—Pershing Arrives—Hoffman Boomed.

SAN ANTONIO, Texas, Oct. 8.—(AP) The rhythm of drums and the blare of bugles resounded through the streets of San Antonio until dawn and showed no signs of abating as delegates and visitors awaited the opening of the tenth annual convention of the American Legion here today. Sessions continue for five days.

The frolicsome spirit of the veterans asserted itself throughout Sunday, but with the arrival yesterday of fresh troops of visitors and delegates including General John J. Pershing, the horseplay which has marked every Legion convention to date suddenly came into its own. The pillow stunt, in which a large number of Legionnaires cut holes in pillows and shake the feathers into the street, ushered in a night of carnival such as this city has not known since the old cowboy days.

Firecrackers and torpedoes re-berated the city from all sections of the front. Joyous Legionnaires marched up and down the streets, shouting and carrying state delegations banners each other in the tongue of the A. E. F. Wild cries of "Powder River" proclaimed the arrival of northwestern state delegations.

"Black Jack" Pershing found more than 20,000 of "his boys" present when he stepped from his train last night, and heavy police lines were necessary to hold the crowd back as he walked to his apartment. He was whisked away to his hotel before the eager crowds could get within 100 feet of him.

Estimates on the total attendance still varied, the more optimistic predicting 50,000 against the 20,000 expected by the conservative. The message of National Commander Edward E. Spafford and the race for commander in the ensuing year were the most absorbing topics of the first day's session. Spafford was expected to recommend a drive for legislation that would enforce a universal draft for the next war. The political race was still too embryonic to warrant more than speculation. General Roy Hoffman of Oklahoma City continued to acquire prestige as a candidate for national commander, with indications that the Texas delegation might swing to him after its first caucus.

The question of the next convention city seems to have settled down into a fight between Louisville, Detroit and Miami for the 1929 gathering. General Pershing's arrival was more dramatic than most of the spectators who greeted him realized. It was from here that he was entrained for Washington more than 11 years ago to receive command of the A. E. F.

Former Sergeant Harry L. Poland of Beaufort, Texas, who drove the wheel of the automobile the general will use during the convention. Stepping through a group of officers about him, Pershing gave his old chauffeur a long handshake and shifted his heavy overcoat to enable him to throw his arm around Poland's shoulder.

Other prominent people who arrived on Pershing's train were Maj. George Seonini, war blinded member of the French command of deputation; Major General Henry T. Allen, commander of the forces of occupation; and Major General Frank Parker, assistant chief of staff of the army.

END NEW BEDFORD TEXTILE STRIKE
NEW BEDFORD, Mass., Oct. 8.—(AP) For the first time in 25 weeks, operatives streamed through open gates into New Bedford mills this morning. The return to work after long textile strikes was watched out from a distance by textile mill committees sympathizers who have refused to acknowledge the strike settlement and there were repeated brushes with the police, which led to 27 arrests.

ISSUE BANK CALL CONDITION, OCT. 3
WASHINGTON, Oct. 8.—(AP) The controller of the currency today issued a call for the condition of all national banks at the close of business on Wednesday, October 3.

HICKMAN'S LAST HOPE NOW LOST

Supreme Court Denies Appeal—Attorney Explains Carriage of Justice—Sentence Date Is October 19—Hickman Not Told.

WASHINGTON, Oct. 8.—(AP) William Edward Hickman of Los Angeles, Cal., under sentence of death on October 19 for the murder of Marian Parker, a 12-year-old school girl, was today denied an appeal to the supreme court by Justice Sutherland.

Jerome Walsh of Kansas City, Hickman's lawyer, held a long conference with Justice Sutherland, who has charge of cases in the Pacific coast circuit, explaining to him in detail the grounds for asking for an appeal. He was unable, however, to convince Mr. Sutherland that there had been a miscarriage of justice. Had Justice Sutherland granted an appeal, Walsh intended to ask for a stay of execution.

Walsh said that he had not abandoned hope of setting the case before the supreme court. He will be unable to take it before the court as a whole but he intends to call upon other justices in the hope of finding one who will grant an appeal.

Under the practices of the court it will be necessary for Walsh to explain fully to other justices the refusal of Justice Sutherland and in most instances that of itself has been controlling. Those familiar with the procedure were of the impression that Walsh was not likely to find a justice who would give him an appeal after it had been refused him by Justice Sutherland.

SAN QUENTIN PRISON, Cal., Oct. 8.—(AP) Failure of an appeal to the United States supreme court on behalf of William Edward Hickman, Los Angeles slayer of little Marian Parker, will not be communicated to Hickman until official notification of the denial is received. Warden James B. Holohan said today.

Preparations for the slayer's execution, set for October 19, will be made at once. Invitations to the execution have not yet been issued but hundreds of requests for permission to attend have been received.

DISMISS BOLTERS DEMOCRAT PARTY, IS WOMAN'S PLEA
BIRMINGHAM, Ala., Oct. 8.—(AP) A statement prepared here last night by the white supremacy league, claiming a membership of 7500 women in Alabama, calls upon state and county officers to dismiss all employees who have bolted the Democratic party.

Officials of the state and county government, the statement declares, are responsible to the Democratic party for their offices, and should dismiss all employees who are not supporting the party's choice.

Wire Report on the Pear Market
CHICAGO, Oct. 8.—(AP) Pine, California, 2 Colorado, 19 Oregon, one Pennsylvania, 8 Washington arrived, 6 cars sold. California Bartlett, 1071 boxes, \$2.02 to 2.26, average \$2.46. Oregon Bartlett, 1022 boxes, \$2.00 to \$2.65, average \$2.20. Washington Bartlett, 5071 boxes, extra, \$2.30 to 3.05, average \$2.65. 426 boxes fancy \$2.30 to \$2.15, average \$1.65.

Famous Coach Dies.
MADISON, Wis., Oct. 8.—(AP) Harry E. "Dad" Vail, coach of the university crew since 1911, and formerly nationally known as a sculler, died this morning at Gagetown, New Brunswick, stated word received Friday by university authorities.

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