**The Weather**
Forecast—Fair, but with low clouds and fogs tonights and Wednesday.
Highest yesterday ..... 31
Lowest this morning ..... 27

# MEDFORD MAIL TRIBUNE

**Weather Year Ago**
Highest year ago today ..... 42
Lowest year ago today ..... 35

Daily—Twenty-third Year
Weekly—Fifty-seventh Year

MEDFORD, OREGON, TUESDAY, JANUARY 8, 1929.

No. 288.

# Today

By Arthur Brisbane

Foolish Repelling.
;ho Drives Fat Oxen.
All Records Broken.
Science and Religion.

(Copyright, 1928, by Star Co.)

Britain threatens a combination of automobile companies "to repel the American invasion."

That means General Motors, increasing shipments to all Europe, with big assembly plants.

It means also Henry Ford's "Ford Limited" $35,000,000 European company, promising to build 200,000 Ford cars a year in England alone and right away.

Great Britain will not find it easy to "repel" that invasion. You can't beat champions with cripples, no matter how many cripples you assemble. American manufacturers will show Britain how to use British labor and materials profitably. Britain should be grateful instead of talking "invasion."

Scientists say the "misuse of leisure by the masses" will make necessary the creation of a special governing class, that will compel the masses to work more earnestly, use their leisure more intelligently.

It is a little too soon to judge the masses and their "misuse of leisure." They haven't much leisure now. Until recently they didn't have any, except on Sundays.

Those that really misuse leisure and opportunity are not the poor amusing themselves in their own way, but the rich that have power, and lack intelligence or ambition to make good use of it.

Dr. Elliott, of New York's Ethical Culture School, says those that teach ethics to children should have "a sense of sin." The teacher, says the learned doctor, "should first convict himself of sin."

Just how convicting yourself of sin would help your pupils is not clear. Abelard was a good teacher, but otherwise imperfect.

More important than a sense of sin, is knowledge of evolution, including the fact that children, if normal, all pass through a state of savagery, even of animalism.

Emotions appear in human babies, in the same order as in the animal ranks: first fear, then anger, then jealousy. The Apache's cruelty is born in them, and the Arab's pilfering.

Whoever expects children to be angels, forgets his own childhood.

Dr. Johnson did not like the saying, "Who rules o'er freemen must himself be free." He said, "You might as well say, 'who drives fat oxen, must himself be fat.'"

A teacher needs knowledge, and common sense kindness.

When this was written Sunday evening, the army monoplane Question Mark had almost reached 130 hours of continuous flight, surpassing by many hours all records for all kinds of machines lighter than air included.

That is an honor to our army, our airplane and engine manufacturers, and it is important to future flying for various reasons.

One difficulty in ocean flight has been the great weight of enough gasoline to make the distance.

Lindbergh, shortly after his return, told this writer, "The sensible route to Europe is via the Azores, with a stop there to take on fuel, starting out with a lighter load."

The Question Mark proves that no stop is necessary. One, or several planes, could fly up from the Azores, taking fuel to a trans-Atlantic flier.

(Continued on Page Six)

# ROSEBURG AIR BONDS HELD VALID

## Supreme Court Opinion Says State's Cities Voting Bonds to Establish Airports Within Rights—Salem To Go Ahead With Plans—Statute Quoted.

SALEM, Ore., Jan. 8.—(AP) The city of Roseburg, and all other cities in the state that have voted bonds for the establishment of airports, were within their rights in so doing, according to an opinion of the supreme court handed down today. The opinion was written by Chief Justice Coshow and affirms Judge J. W. Hamilton in the case of L. E. McClintock, appellant, against the city of Roseburg. The city voted $25,000 bonds for the purpose.

The city of Salem, which voted $50,000 for the same purpose was particularly interested in the case, and as a result of the opinion will now go ahead with the acquisition of property for the establishment of its airport.

No question of the legality of the election was involved in the case. The only part of the proceeding challenged was the right of the city to construct and maintain an airport at the expense of the taxpayers. This question was admitted under two heads: First, is the city authorized by the necessary legislation to construct and own an airport at the expense of the taxpayers? and second, is an airport a public enterprise which can be supported by taxation?

Chief Justice Coshow's opinion quotes a statute enacted in 1925 and declares it is so clear it needs no interpretation. This provided that "any incorporation, city or town of this state shall have the right to appropriate real property, . . . for general use and benefit of the people of said city or town, including real property, for an aviation field or park, . . ."

At some length the opinion holds that "an airport owned by the city as a community, and not of any particular individuals therein," and that it is therefore a public enterprise.

Other opinions handed down today included:

Fletcher Tire company vs. Southern Oregon Truck company, defendant, and Marion Automobile company, appellant, and A. C. Smith and Jeanette Smith, appellants; Multnomah county; suit to foreclose lien. Justice Rossman. Judge Hewitt affirmed.

# BENJAMIN N. DUKE PHILANTHROPIST, DIES EARLY TODAY

NEW YORK, Jan. 8.—(AP)—Benjamin N. Duke, tobacco manufacturer, died at his residence at 2 East 89th street, early this morning after a lengthy illness.

Mr. Duke was in his 74th year. Funeral arrangements have not been completed, but burial will be Thursday in Durham, N. C., where he maintained an estate.

Several months ago newspapers reported that the capitalist and philanthropist had been confined to his million-dollar mansion at the corner of 89th street and Fifth avenue by the infirmities of age. In 1915 and again in 1917 he had been seriously ill with a nervous disorder.

Mr. Duke's benefactions included large gifts to Trinity college, now Duke university at Durham, and to Guilford college. His home here is furnished with choice art treasures.

# HIDDEN INJURIES MAY BE FATAL

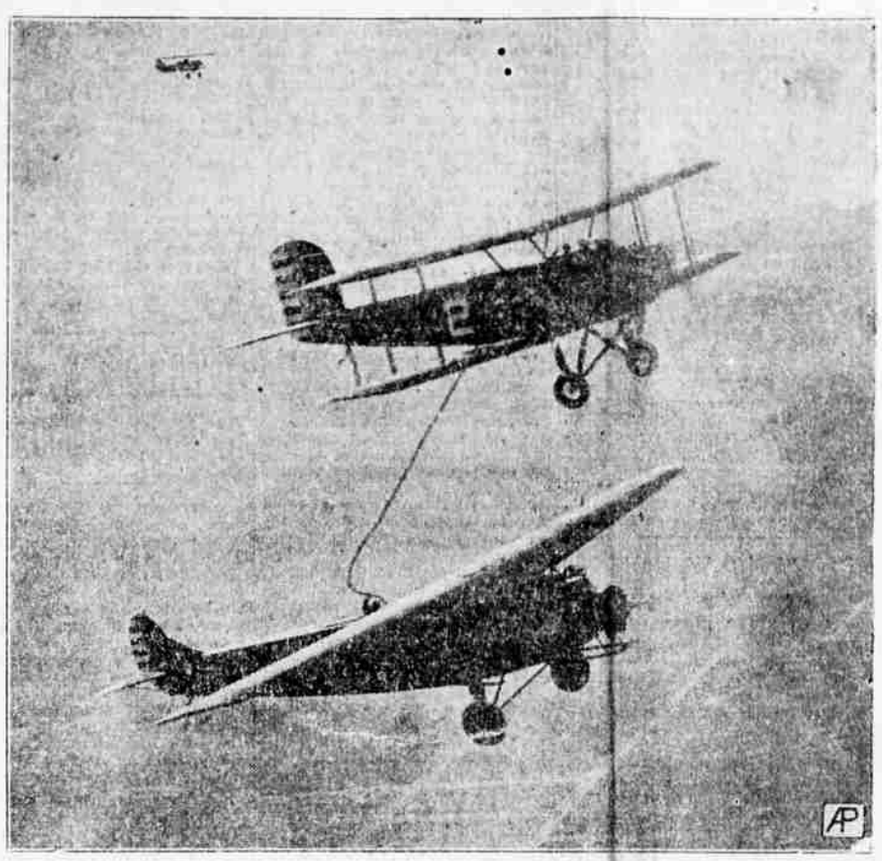
FORT WORTH, Texas, Jan. 8.—(AP)—James R. Roberts, 15, may die because he failed to tell his mother of injuries he received in a high school football game, fearing she would order him to give up the sport.

James, for whom more than 28 men have offered their blood, was hurt two months ago. Abscesses and pneumonia resulted and today he lay in a hospital with death imminent.

The boy's mother fears that his failure to tell her he was hurt will cost him his life. "If James had told me that he had been hurt," she said, "something could have been done and then we surely could have saved his life."

But James failed to inform her of his injuries until he became seriously ill.

## HOW THE QUESTION MARK RECEIVED FUEL



The army endurance refueling test airplane is shown receiving its first supply of gasoline through a hose from another ship after hopping off at Los Angeles January 1.

# HEAD SURGERY MAY CURE "BAD BOY" TENDENCY

## Death, Or Freedom and New Chance Await 15-Year-Old Criminal—Brain Abscess Believed Crime Cause.

CLEVELAND, O., Jan. 8.—(AP)—Death, or freedom and a new chance awaited Arthur Berry, 15-year-old "bad boy" convicted of robbing the mails, as he lay in a hospital here today fighting for recovery from an operation for removal of an abscess from his brain, performed in an effort to correct his tendencies to crime.

With the entry of an order by Federal Judge Paul Jones today deferring execution of a sentence of one year at the Washington army training school for robbing the new Philadelphia postoffice, the government enters into the experiment whereby it is hoped the lad can be cured and set aright.

Arthur will be given the opportunity, if he recovers, to return to his home, and if he does recover, he will go with the good wishes of Miss Irene Nungesser, assistant district attorney, who urged that the operation be performed.

**Took Letters.**

She became interested in the case when the boy admitted taking sixty letters from a mail box of the Ohio cities telephone company, containing $1000 in checks. He cashed one of the checks, but destroyed the others and told Miss Nungesser that he knew of no reason for taking them. After his trial two weeks ago and his commitment to jail, sentence was imposed, he began to complain of headaches and when Miss Nungesser learned of it she arranged an X-ray examination which revealed the abscess.

The operation was performed a week ago. The boy was to have been sentenced today, but Judge Jones agreed to defer the sentence to await the outcome of the experiment. If the youth dies, he will be merely a dead prisoner. If he lives and falls again into crime when liberated he will be sent to Washington to serve his sentence on the conclusion that the abscess had no influence on his behavior. But if he finds himself freed of the inclination to do wrong the operation will be considered a success and the charge will be forgotten.

# STATE'S DRY FORCES ARREST EIGHTY-EIGHT

SALEM, Ore., Jan. 8.—(AP)—The December report of George Alexander, state prohibition commissioner, shows 88 arrests by operatives of the department during the month. Fines were imposed in a total of $7925. A total of 3724 gallons of mash and 2639 gallons of liquor were destroyed. The officers seized 12 stills and confiscated three automobiles.

# BRITISH BELIEVE COMPLETE CURE SURE FOR KING

## Tense Solicitude of Gate Crowd Disappears—Bulletins Report No Change—Satisfaction and Optimism Prevails at Palace.

LONDON, Jan. 8.—(AP)—The British public today accepted the complete recovery of King George as a foregone conclusion. The tense solicitude which formerly characterized the crowds around the gates of Buckingham palace has disappeared.

Last night's bulletin said:

"The king had a quiet day. There is no change to report in his majesty's condition. The next bulletin will be issued tomorrow evening."

It was explained for the benefit of the public that the words "no change" did not imply that the king's condition was unsatisfactory, but meant that he was holding his own. It was expected today that in the long climb to convalescence—a state which has not yet been reached—there might be several days when no definite improvement would be recorded. As long as there is no setback and the king maintains his strength it was felt that doctors would not be dissatisfied.

The return to the issuance of only one bulletin a day as at Christmas time was taken as an indication of the doctor's confidence.

It was understood that King George's condition was much about the same this morning.

This condition of affairs was regarded with satisfaction at the palace and a feeling of optimism was prevalent.

That the king's condition was not changed was considered as a definite indication that his majesty was not on the down grade but continued on the up grade.

# MAY GIVE PARDON LADY BOOTLEGGER

LANSING, Mich., Jan. 8.—(AP)—Governor Fred W. Green today indicated that executive clemency may be extended to Mrs. Ella Mae Miller, first woman to be sentenced to life imprisonment in Michigan under the habitual criminal law. She was convicted of four liquor law violations.

"No one expects her to serve a life term," Governor Green said. "She must, however, pay a reasonable penalty for her offenses."

His comment followed a decision yesterday by the state supreme court, upholding the criminal code and its habitual criminal section, and confirming the life sentence of Fred Palm, "pint-of-gin" lifer, the first person to be sentenced under the act.

**Three Die in Fire.**

DETROIT, Jan. 8.—(AP)—Allen Doane, 56, his wife, Annie, 55, and their niece, Thelma Grives, 9, were burned to death in a fire that destroyed a garage building at Hazel Park today.

# M'CRACKEN IS HEAD OF FARM EXCHANGE BODY

## J. E. Judy, Vice-President, E. B. Hopper Secretary—Parker Continues Managership—Capitalize for $50,000.

J. R. MacCracken of the Eden Valley precinct, long active in the poultry industry and the boys' and girls' club work of Jackson county, was elected president of the board of directors of the reorganized Farm Co-Operative Exchange, at a meeting held yesterday afternoon. J. E. Judy of the Griffin creek district was named vice-president, and E. B. Hopper was named secretary and treasurer. Clay D. Parker, general manager continues in that position, his present contract not expiring until next June. He has been instrumental in the reorganization, under which the enterprise is now functioning.

Formal filing of the articles of incorporation was made. The capitalization is for $50,000.

The old board of directors, of which W. W. Gregory was president, and the new board, composed of John Henry French of Eagle Point, John A. Anderson, master of the Central Point Grange, E. T. Newbry of the Talent district, and MacCracken and Judy, took up their labors.

The minutes of the reorganization and stockholders' meeting held last Saturday, were approved.

**Facilities Needed.**

In the policies to be adopted for the coming year, the need of securing better facilities for the handling of poultry and poultry products was stressed, and the poultry raisers urged to cooperate.

The establishment of a branch of the Pacific Poultry association is among the early possibilities, because of the establishment of a new ruling of the Southern Pacific that eggs and poultry can be shipped from this city in less than carload lots to Portland. This gives the valley poulterers a speedy outlet, and in the future will prevent the accumulation of storage eggs.

A committee was appointed by the directors yesterday to take action towards the collection of a number of heavy debts, which will be pressed.

Under the new order, the Farm Co-Operative Exchange early started to enlarge its field. D. J. Gaboll, head of the poultry department, visited the Klamath Falls district, to look over the poultry situation there, and compete with California concerns for some of the egg and chicken business of that region.

A carload of hogs, collected under a pooling plan by the Exchange, were dispatched to the Portland market today.

**School Burns.**

PORTSMOUTH, Ohio, Jan. 8.—(AP)—The second big fire in four days today destroyed the Union street school building at a loss of $125,000. Friday flames caused a $200,000 loss to the Kresge 5 and 10 cent store and the store of the Atlas company, dealers in women's wearing apparel.

# IRON MEN UNINJURED BY FLIGHT

## Medical Board Labels Question Mark Crew Physically Qualified to Hop Off On New Flight—Motors Not So Fortunate—Left Motor Dead.

LOS ANGELES, Jan. 8.—(AP)—The triumph of man over his motors was history today. Five iron men of the air, who yesterday landed smilingly and physically fit, after 150 hours and 40 minutes of continued vigil in the air had been labelled by a medical inspection board as "physically qualified" to hop off immediately on another endurance flight. On the other hand, the motors of the Army's "Question Mark" which had buckled under the strain when their masters were keen to drive on and on, were waiting an official diagnosis of their ailments that forced the ending of the record-smashing endurance flight.

"Hard work in the air seems to agree with Major Carl Spatz," reported the examining army surgeons of the condition of the commanding officer of the nearly week-long aerial grind. The conditions of Captain Ira Eaker, chief pilots and Sergeant Roy Hooe, mechanic of the "Question Mark" were described as "excellent" with the exception of slight fatigue, which would be expected.

**Trouble Described.**

Just what happened aboard the Question Mark, forcing it to descend was described in casual language by the aviators after they reached the ground. "As I left the controls at 1 o'clock in the afternoon," said Quesada, "Captain Eaker took the wheel and the left motor went dead. We sent Sergeant Hooe out on the catwalk, but his weight was too heavy in the unstable condition of the Question Mark. We knew then that the flight was over. We dropped the gas within two or three minutes after we had taken it."

"That was not the first flight trouble. Saturday night we thought it was all over. All three engines lost their power. That was fouled sparkplugs. We were all ready to end the flight, but finally we cleaned that up. But it was worse than spark plug trouble this time. It looked like valves. Shortly after one o'clock the right motor began to weaken, then we knew the flight was about to end."

"Our last two refuelings were on two engines," said Captain Eaker and we knew we were through. The left engine had gone dead. We were at an altitude of 4000 feet, but we dropped 2500 feet on the turn. We signalled Hooe to get back. On two engines we couldn't keep our altitude, and get ready to land. The right engine began to show trouble similar to the left and

(Continued on Page Six)

# HERMIT DOCTOR OF OLD SCHOOL TAKEN BY FLU

CRAIG, Colo., Jan. 8.—(AP)—The hermit doctor of Juniper, a small mountain settlement near here, who spurned automobiles, bookkeeping, modern surgery, operating rooms and bills, is dead.

For a quarter of a century or more, Dr. B. A. Arbogast has ministered to the ills of cowboys and homesteaders in this sparsely settled section of the state. His saddle horse carried him to the bedside of his patients and he never had a telephone installed in the lonely cabin in the hills that was his office and home.

The aged physician, 84 years old when he died, never made a charge for his services and lived from the free-will offerings of his patients. A side of "hawg," a quarter of beef, a couple of bushels of potatoes or flour, or hay or grain for his horse made up the offerings in general.

Dr. Arbogast died of influenza.

On Thursday a snow plow will force a trail seven miles through deep snow to the doctor's cabin, where he will be buried. The beneficiaries of the old physician's charity who are left in this section will have to depend upon horses to convey them to the funeral.

Dr. Arbogast was graduated from Ohio Medical college at Cincinnati in 1883 and later studied in Paris and Berlin. He is survived by his divorced wife and a son who live in Denver.

# Placard on Neck Hurt Feelings So School Girl Sues

RIEDSBURG, Wis., Jan. 8.—(AP) Because, she claimed, she had to wear a placard around her neck which read: "I am not a good citizen," during school hours, Evelyn Jackson, 12, a pupil at the Kelley school here, is bringing action for damages of $20,000 against her teacher, Kenneth Scoon.

The girl claims she was forced to wear the placard during school hours for a misdeed and that her feelings were hurt to the extent of $20,000.

# FAMOUS STAGE TO ECHO OPERA FOR LAST TIME

## Chicago Auditorium Finale January 26—Gounod Opera Chosen for Close—Artist Prankster Suffers Turn of Joke.

CHICAGO, Jan. 8.—(AP)—The famous old stage of the Auditorium, whose somber proscenium arch for nearly four decades has yawned across the orchestra pit upon a glittering "diamond horseshoe," will echo to opera for the last time January 26.

"Romeo and Juliet" will be the final opera on which the heavy steel fire curtain will descend, just as "Romeo and Juliet" was chosen to open the theater to opera 39 years ago.

When the auditorium was dedicated in December, 1889, the occasion was of sufficient national consequence to bring President Harrison and Vice-President Levi P. Morton on from Washington. They had been nominated in the unfinished structure the year before. Governors from many states and officials from Canada also were present when the theater, which the vice-president called "the greatest building in America," was formally opened.

**Patti Was Juliet.**

Adelina Patti, greatest soprano of her day, sang Juliet in the Gounod opera that December night. A "Sig. Ravelli" was Romeo. The conductor was Romualdo Sapio, who now maintains a studio in New York. The opera was sung in Italian.

The performance January 26, winding up the last season in which the Chicago Civic Opera company will use the Auditorium, will have Edith Mason as Juliet, Charles Hackett as Romeo and Giorgio Polacco as conductor. Formichi, Defrere, Pavloska and Cotreuil are some of the other names in the cast.

The 1929-30 season of the Chicago Civic Opera company will be given in the company's new theater, now under construction.

CHICAGO, Jan. 8.—(AP) The role of Dr. Bartolo in "The Barber of Seville" is, as everyone knows, not to be sneezed at, even by such an artist as Desire Defrere of the Chicago Civic Opera company.

A great joker, M. Defrere, it was he who poured water in Edouard Coutreuil's silk hat in the cafe scene of "La Boheme," causing Coutreuil to get wet, thru the stage directions said nothing of any such business. The prank, which was sidesplitting to Defrere, was a washout to Coutreuil.

Opera is not an enterprise much inclined toward foolishness, but as Coutreuil explained, even opera offers avenues of revenge upon practical pokers. It was only with Coutreuil's explanation today that opera-goers learned why Defrere went through an epidemic of sneezing during a special performance of "The Barber of Seville" Saturday night.

The finale of the second act finds Dr. Bartolo (played by Defrere) standing quiet amid general tumult until finally Figaro lightly tickles his nose with a feather.

Giacomo Rimini was playing Figaro. He agreed with Coutreuil that the scene offered a chance to turn the tables on Defrere. Thus, instead of using a feather, Figaro held a handful of pepper under Dr. Bartolo's nose, and Defrere, who used to love jokes, finished the scene in a paroxysm of sneezing and coughing without precedent in the long and dignified history of grand opera.

**Dough Mixer Victim**

PORTLAND, Ore., Jan. 8.—(AP) His clothing caught in an electric dough mixer, Andro Bojinoff, 50, was crushed in the machinery at the White Palace Bakery, 207 Fourth street, today. Bojinoff, proprietor of the bakery, was reported in a critical condition at a hospital.

**Roseburg—New Medical Arts building will be erected here in immediate future.**

# RICKARD'S LAST RITES TOMORROW

## Body of Tex Rickard Arrived New York Today—Wife Near Collapse—Dempsey Floral Gift Covers $15,000 Casket—Madison Square Closed.

NEW YORK, Jan. 8.—(AP)—The train bearing the body of Tex Rickard from Miami Beach, where the career of the world-famous sports promoter ended Sunday, reached Pennsylvania station today at 10:20 a. m.

Thousands jammed the station, but only friends and newspapermen, numbering more than 100, were permitted to enter the approaches to the train.

Most of the members of the board of directors of Madison Square Garden, led by Colonel John S. Hammond, now acting general manager, were present to arrange transfer of the body as well as to meet Mrs. Rickard and Jack Dempsey.

Mrs. Rickard was near a state of collapse. The body of the promoter encased in a $15,000 bronze casket and covered with an immense floral gift of Dempsey, white carnations with "My Pal" traced in red flowers, was taken to funeral parlors prior to being laid in state later at Madison Square Garden.

**Dempsey Affected.**

Dempsey, much affected by the scenes, and disinclined to talk at any length, nevertheless made it clear he had not made any decision about retirement from the ring, declared he had no intention of trying to fill Rickard's shoes at the garden, and explained his interest in promotion of the Sharkey-Stribling fight at Miami Beach.

"When a fellow like Rickard dies, it takes the edge off everything," said Dempsey. "He was my pal."

The former champion indicated he would have no definite statement about his future ring plans or other activities until he leaves New York or returns to Florida.

At 10:30 tomorrow morning the public will be permitted to pay its last respects to the greatest promoter the boxing game has ever known. Services are to be held at 1:30 p. m. Burial, at 2 p. m., is to be in the cemetery where the promoter's first wife and daughter lie.

**Left Millions.**

Estimates as to the extent of the promoter's personal fortune varied from $1,000,000 to $5,000,000. Less than a year ago Rickard himself estimated it at around $2,500,000, nearly half of it in cash.

As a mark of respect, the garden was ordered closed tonight and tomorrow night. This forced postponement of a hockey game between the New York Rangers and Les Canadiens of Montreal, set for this evening, and of an amateur boxing show, scheduled for tomorrow night.

"My plans now are only for the immediate future," said Dempsey. "I shall try to carry out Tex's ideas as well as I can.

"We were interested in many things together and these are the ones I want done as Tex would have had them done.

"Before I decide anything about my personal plans I am going back to Miami Beach to help with the Stribling-Sharkey fight.

"I agreed to fight again for Tex, but everything is so scrambled now that I don't know what I will do until I sit down and think it all out.

"I am not interested in taking Tex's place in Madison Square Garden. No one could do that and myself perhaps least of all.

"My part in helping with the Miami Beach fight will only be in behalf of Mrs. Rickard and because I know what Tex wanted done."

**No Garden Interest**

Dempsey explained his part in the coming fight at Miami Beach has nothing to do with the Madison Square Garden corporation. He said he and Rickard were heavily interested in the dog track where the bout is to take place and for that reason he feels he should carry out the promoter's wishes.

Under no consideration, Dempsey said, would he referee the bout.

While he did not actually commit himself, Dempsey gave the impression he had signed a contract with Rickard for one fight this year. When asked about this he did not make a denial, but made it clear he has neither announced nor decided on a retirement.

It was disclosed by Arthur F. Driscoll, attorney who is expected to handle Mrs. Rickard's affairs, that the promoter made a will last March which is in the hands of a New York Trust company.

**Salem—Valley Motor Co. will erect $15,000 new building for DeSoto agency.**