

The Weather  
Tonight and Wednesday  
no change in temperature.

# MEDFORD MAIL TRIBUNE

Temperature  
Highest yesterday 90  
Lowest this morning 54  
Precipitation—  
To 5 p. m. yesterday 0  
To 5 p. m. today 0

Sixty-Sixth Year

TODAY'S NEWS TODAY

MEDFORD, OREGON, TUESDAY, JULY 28, 1931.

TELEPHONE 75

No. 126.

## KINGSLEY LOSES APPEAL FROM ROPE

### CONVICTION RATIFIED BY HIGH COURT

#### Slayer of Ashland Officer to Be Resentenced by Local Court—Claim of Error in Trial Fails to Dim Law's Duty, Is Tribunal Decision

SALEM, Ore., July 28.—(AP)—State supreme court today affirmed the decision of the lower court of Jackson county in sentencing James E. Kingsley, convicted of the murder of Sam Prescott, police officer at Ashland, Ore., to be hanged. The opinion was rendered by Justice Brown with Justice Rossman concurring. Justice Kelly dissented.

Kingsley was returned to Medford while awaiting the decision of the higher court on his appeal. He will be resentenced by Justice Brown with Justice Rossman concurring. Kingsley was first sentenced to be hanged April 3, 1931, but one week before the date of execution an appeal was taken and the supreme court issued a stay of execution. Kingsley was returned to Medford from the state penitentiary. He was convicted of the first degree murder of Sam Prescott, Ashland traffic officer, January 24, 1931. Judge H. D. Norton passed sentence upon the defendant.

Law's Duty Plain  
In writing the opinion Justice Brown declared that "laws were made to prevent crime, and that their enforcement by the courts was a duty as plain as the sun. The vindication of justice does not require or contemplate an excursion beyond the limitations of the record." The defendant counsel alleged errors in the lower court.

In an opinion specially concurring Justice Rossman added his reasons for agreeing with the majority of the court. Justices Bolt and Campbell and Chief Justice Bean concurred with Justice Brown's opinion.

In a dissenting opinion Justice Rand declares he "agrees with the majority of the court in holding that error was committed in permitting the district attorney to make a statement to the jury that in this state a man hanging in prison under a sentence of life is but 6½ years, but is unable to concur with them in holding that such error did not influence the jury."

Decision of the supreme court announced today which upholds the death sentence given James E. Kingsley, convicted of the Prescott murder, probably ends the case which has been hanging in state and county courts for months. Interference by the governor is the only way by which the death penalty can now be avoided.

### Ocean Flier



Associated Press Photo  
Russell Boardman of Boston hopes to span the Atlantic ocean in his plane, American Liberty.

### LASSEN TIMBER IN PATH OF BIG FOREST BLAZE

SACRAMENTO, Cal., July 28.—(AP)—W. B. Rider, deputy state forester, said reports reaching him today indicated a forest fire burning in Butte and Tehama counties was the largest of the season. He estimated 50,000 acres had been covered by the flames. A federal forest service organization of 450 men was engaged on this fire.

Information reaching Rider was that the fire had penetrated northward into the Lassen national forest, but still some distance from Lassen national park.

Fire which covered large areas in Placer and Nevada counties the last two or three days, were under control in most cases, Rider said.

Deputy Forester C. G. Strickland reported from Red Bluff that seven fire west of Horse mountain, Shasta county, which started yesterday, had merged into one blaze today, burning over 2,000 acres.

SPOKANE, Wash., July 18.—(AP)—The Deer creek forest fire in Montana and Idaho, one of the largest in recent years had a perimeter of 50 miles and covered 25,000 acres at noon today, the United States forest service reported. Grey and crimson smoke billowed to the skies, obscuring the view of observers cruising overhead in airplanes. They said the sun and flames reflecting from the smoke, made the skies like a shimmering crimson sea for many miles.

WASHINGTON, July 28.—(AP)—Renomination of President Hoover by the Republicans was predicted today by Senator Moses, Republican of New Hampshire.

### CALIFORNIANS FLEE BEFORE DEADLY HEAT

#### Imperial Valley Inferno Deserted by All Able to Leave—63 Die in Four Days—End Seen Near

LOS ANGELES, Cal., July 28.—(AP)—A combination of freak storms, overcast skies and cooling mountain and ocean breezes brought temporary relief today to parched southwestern America, where a 42-day heat wave killed 78 persons in the last four days, constituting the greatest wholesale heat death wave in this section.

LOS ANGELES, July 28.—(AP)—Death, wrought on a parching heat wave, continued its march of misery and suffering over the southwest today. The toll stood at 69 victims.

The heavy hot air continued to hang like a pall. Hardly a breeze stirred to relieve the heat of a burning sun. Temperatures flirted again with the 100-degree mark and weather forecasters had not even a gleam of hope for relief.

"The clouds which promised to give some relief today failed to materialize," Colonel H. B. Hersey, government meteorologist here, said. "The air is stagnant and I see no end to this heat. It will be necessary for a major shift in air conditions before it will become cooler."

Drop in Streets  
Throughout Imperial valley, where the greatest toll, 40 deaths occurred, victims dropped at street corners, in parks, along roads, or succumbed in their beds, as an all-time heat record was set. The minimum temperature there has been 96.8 degrees. Dr. Rafael Molina, a Mexican physician, fell dead on a street. Four soldiers at Mexicali, border city, dropped dead in their tracks while drilling. Many others died at work in the fields. The average maximum temperature has been 109.

LOS ANGELES, July 28.—(AP)—Majestic San Geronimo mountain, lifting its snow capped head slightly more than two miles above the sweltering great American desert near Palm Springs, Cal., looked down on a strange sight today. It witnessed the man's efforts to escape from the heat wave in years and which within the past four days has taken 63 lives.

Along the roads at the base of the peak which led from California into the Imperial valley, scores of 40 of the best cars, hundreds of automobiles were wending their way to the cooler coastal areas and mountain resorts so that their occupants might find relief.

Few Remain  
Within the past 24 hours, the population of the valley, noted for the richness of its soil and which for the greater part lies below sea level, has been reduced to such an extent that few are left to remain in the heat-ridden area, were still at their homes today.

The exodus from the Imperial valley and Arizona points continued today despite hope that the heat wave would end. During the night, torrential rains visited the mountain areas of southern California. The weather, as if by irony, left San Geronimo mountain covered with snow. The peak is usually barren at this time of the year.

### SEEK WORLD GIRDLING MARK



Associated Press Photo  
Hugh Herndon, Jr. (left), and Clyde Pangborn in the cockpit of their plane at Roosevelt field, N. Y., as they made final preparations for the start of their flight around the world. They hope to break the Post-Gatty globe-circling mark.

### TOURIST DIES IN JACKSON CONVICT PLUNGE OF AUTO TO SMITH RIVER AT PENITENTIARY

GRANTS PASS, Ore., July 28.—(AP)—Arthur Hultz, 19, of Long Beach, Calif., was killed, and Miss Theresa Kurtenbach, 25, of the same city, was critically injured in an automobile accident on the Redwood highway late yesterday. Miss Kurtenbach was reported near death in a Grants Pass hospital today.

The Hultz car plunged to the bottom of Smith river, a drop of 100 feet, after colliding with one operated by Miss Dorothy Comfort of Detroit. Both occupants were caught under the machine. Hultz was killed outright. Miss Comfort, a school teacher, was riding with Miss Doris Gracey, another teacher of Marietta, Ohio. Neither was hurt. Miss Comfort was the first to descend the cliff to free the injured woman from the wreckage.

### ASHLAND RESIDENT ATTACKS NEIGHBOR

L. S. Rapp, Ashland resident who is alleged to have attempted to choke a woman with a garden hose and also to have thrown an axe at her when they became involved in a neighborhood row, was lodged in the county jail this morning. He was tried in Ashland justice court today for disturbing the peace.

Neighbors complained after his actions were thought to have gone too far. Aside from shock, the woman was not hurt, Ashland police said.

### SMEDLEY BUTLER TO RETIRE OCTOBER 1ST

QUANTICO, Va., July 28.—(AP)—Major General Smedley D. Butler plans to retire on October 1, he definitely announced in accepting a bronze tablet from the Veterans Marine Corps Legion last night.

### Watermelon Day Mail Tribune Ad Sells 27 Tons

Through their "Watermelon day" advertisement in Friday's issue of the Mail Tribune, Gates & Lybrand stores No. 1 and No. 2 sold approximately 27 tons of melons Saturday, or over two carloads. Estimates were made, showing that there were about 3,500 melons in the lot.

As a feature of the day, the two stores sold watermelon at a special price at the fountain.

### BUSINESS SUN PEEPING FORTH AVERS DAWES

LONDON, July 28.—(AP)—Ambassador Charles G. Dawes, back at his post from a vacation at home, hustled through Paddington station today to a luncheon with Secretary of State Stimson at the American embassy. He was late because the boat train from Plymouth had been delayed.

"Before I left home there had been a definite change in the mass attitude from one of pessimism to one of optimism," Ambassador Dawes said.

"An upturn has taken place in electrical power consumption, for instance. In June, 1929, there was a definite down swing in electric power consumption and four months later the crash came.

"As that decline marked the beginning of depression so will this upturn I believe, mark the beginning of the end of depression. Reports are better from almost everywhere in the states and I believe we can reasonably expect better times very soon."

### ALFONSO AND SON MEET AT STATION

LONDON, July 28.—(AP)—Alfonso De Bourbon, former king of Spain, and his third son were reunited in exile on the Paddington station platform today. Meanwhile, London seethed with stories which Alfonso himself denied, that he had abdicated his right to the Spanish throne in favor of the boy.

Don Juan, the eighteen-year-old prince who has been a cadet at the Dartmouth Navy school since the royal family left Spain, came up from Dartmouth this morning to meet his father who arrived yesterday from Fontainebleau.

They embraced each other and started off with Lord Londonderry, the former king's intimate friend who a short time previously had denied a newspaper report of the abdication.

### PLANES IN RACE OVER NORTH SEA

#### Boardman and Polanco Hope to Set Distance Record—May Meet Disaster Account Load—Others Plan Globe Girdle

FLOYD BENNETT AIRPORT, New York, July 28.—(AP)—Two powerful monoplanes took off within 18 minutes of each other on non-stop trans-Atlantic flights today.

The Bellanca monoplane "Cape Cod," manned by Russell Boardman of Boston and John Polanco of Lima, Mass., rolled down the 4,100-foot runway at exactly 5 a. m. E. S. T., and skimmed away at an altitude of not more than 60 feet until it was lost to sight. They are heading for Istanbul, Turkey, about 5,500 miles away.

The second plane to take off was that of Hugh Herndon, Jr., former Princeton student, and Clyde Pangborn, veteran circus flier. They rolled away at 5:18 a. m. E. S. T., on an intended flight around the world with Moscow, 5,400 miles away, as their objective.

Weather Ideal  
Weather conditions across the entire Atlantic were described as ideal for the flights by Dr. James S. Kimball, Washington, meteorologist and unofficial starter.

For the first time since the Byrd flight of 1926, Kimball arrived at the field to see the take-offs of both planes. Another visitor was Giuseppe Bellanca, designer of the two planes.

Field officials feared the Boardman-Polanco plane might meet with difficulties because of its great weight. It carried 718 gallons of gasoline and 25 gallons of oil, sufficient fuel to keep it going 7,000 miles if necessary. It is propelled by a 300-horsepower Wright engine.

This plane has yellow wings with black trimmings, and a black and yellow fuselage with the words "Cape Cod" painted in blue. Its number is "NR-781-W."

Seek Distance Mark  
They hope to set the present long-distance record set by Coate and LeBrix, who flew 4,912 miles non-stop. Herndon and Pangborn's red monoplane has a 500-horsepower motor and is capable of cruising at 125 miles an hour. It carries 850 gallons of gasoline, enough to travel for 5,500 miles without a halt.

Their first attempt ten days ago at Roosevelt Field almost cost them their lives as their over-laden plane failed to rise at the end of the runway and almost crashed into a hangar and telegraph poles. They were forced to dump half of their gasoline to gain altitude enough to save themselves from crashing.

Although their plane has a slower cruising speed than the "Winnie Mae," Herndon and Pangborn hope to beat the round-the-world record by flying longer distances. They have dual controls.

Their monoplane is orange-red hued and its number is "NR-790-W."

### Today's BASEBALL

American.	R.	H.	E.
Chicago	14	20	1
New York	12	13	3
Philadelphia	9	10	3
St. Louis	6	9	1
Washington	4	6	1
St. Paul	3	5	1
Boston	1	3	0
Detroit	1	3	0
Cleveland	1	3	0
Pittsburgh	0	1	0
Philadelphia	0	1	0
St. Louis	0	1	0
Washington	0	1	0
St. Paul	0	1	0
Boston	0	1	0
Detroit	0	1	0
Cleveland	0	1	0
Pittsburgh	0	1	0
Philadelphia	0	1	0
St. Louis	0	1	0
Washington	0	1	0
St. Paul	0	1	0
Boston	0	1	0
Detroit	0	1	0
Cleveland	0	1	0
Pittsburgh	0	1	0
Philadelphia	0	1	0
St. Louis	0	1	0
Washington	0	1	0
St. Paul	0	1	0
Boston	0	1	0
Detroit	0	1	0
Cleveland	0	1	0
Pittsburgh	0	1	0
Philadelphia	0	1	0
St. Louis	0	1	0
Washington	0	1	0
St. Paul	0	1	0
Boston	0	1	0
Detroit	0	1	0
Cleveland	0	1	0
Pittsburgh	0	1	0
Philadelphia	0	1	0
St. Louis	0	1	0
Washington	0	1	0
St. Paul	0	1	0
Boston	0	1	0
Detroit	0	1	0
Cleveland	0	1	0
Pittsburgh	0	1	0
Philadelphia	0	1	0
St. Louis	0	1	0
Washington	0	1	0
St. Paul	0	1	0
Boston	0	1	0
Detroit	0	1	0
Cleveland	0	1	0
Pittsburgh	0	1	0
Philadelphia	0	1	0
St. Louis	0	1	0
Washington	0	1	0
St. Paul	0	1	0
Boston	0	1	0
Detroit	0	1	0
Cleveland	0	1	0
Pittsburgh	0	1	0
Philadelphia	0	1	0
St. Louis	0	1	0
Washington	0	1	0
St. Paul	0	1	0
Boston	0	1	0
Detroit	0	1	0
Cleveland	0	1	0
Pittsburgh	0	1	0
Philadelphia	0	1	0
St. Louis	0	1	0
Washington	0	1	0
St. Paul	0	1	0
Boston	0	1	0
Detroit	0	1	0
Cleveland	0	1	0
Pittsburgh	0	1	0
Philadelphia	0	1	0
St. Louis	0	1	0
Washington	0	1	0
St. Paul	0	1	0
Boston	0	1	0
Detroit	0	1	0
Cleveland	0	1	0
Pittsburgh	0	1	0
Philadelphia	0	1	0
St. Louis	0	1	0
Washington	0	1	0
St. Paul	0	1	0
Boston	0	1	0
Detroit	0	1	0
Cleveland	0	1	0
Pittsburgh	0	1	0
Philadelphia	0	1	0
St. Louis	0	1	0
Washington	0	1	0
St. Paul	0	1	0
Boston	0	1	0
Detroit	0	1	0
Cleveland	0	1	0
Pittsburgh	0	1	0
Philadelphia	0	1	0
St. Louis	0	1	0
Washington	0	1	0
St. Paul	0	1	0
Boston	0	1	0
Detroit	0	1	0
Cleveland	0	1	0
Pittsburgh	0	1	0
Philadelphia	0	1	0
St. Louis	0	1	0
Washington	0	1	0
St. Paul	0	1	0
Boston	0	1	0
Detroit	0	1	0
Cleveland	0	1	0
Pittsburgh	0	1	0
Philadelphia	0	1	0
St. Louis	0	1	0
Washington	0	1	0
St. Paul	0	1	0
Boston	0	1	0
Detroit	0	1	0
Cleveland	0	1	0
Pittsburgh	0	1	0
Philadelphia	0	1	0
St. Louis	0	1	0
Washington	0	1	0
St. Paul	0	1	0
Boston	0	1	0
Detroit	0	1	0
Cleveland	0	1	0
Pittsburgh	0	1	0
Philadelphia	0	1	0
St. Louis	0	1	0
Washington	0	1	0
St. Paul	0	1	0
Boston	0	1	0
Detroit	0	1	0
Cleveland	0	1	0
Pittsburgh	0	1	0
Philadelphia	0	1	0
St. Louis	0	1	0
Washington	0	1	0
St. Paul	0	1	0
Boston	0	1	0
Detroit	0	1	0
Cleveland	0	1	0
Pittsburgh	0	1	0
Philadelphia	0	1	0
St. Louis	0	1	0
Washington	0	1	0
St. Paul	0	1	0
Boston	0	1	0
Detroit	0	1	0
Cleveland	0	1	0
Pittsburgh	0	1	0
Philadelphia	0	1	0
St. Louis	0	1	0
Washington	0	1	0
St. Paul	0	1	0
Boston	0	1	0
Detroit	0	1	0
Cleveland	0	1	0
Pittsburgh	0	1	0
Philadelphia	0	1	0
St. Louis	0	1	0
Washington	0	1	0
St. Paul	0	1	0
Boston	0	1	0
Detroit	0	1	0
Cleveland	0	1	0
Pittsburgh	0	1	0
Philadelphia	0	1	0
St. Louis	0	1	0
Washington	0	1	0
St. Paul	0	1	0
Boston	0	1	0
Detroit	0	1	0
Cleveland	0	1	0
Pittsburgh</			